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REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 30 September 1996 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 30 September 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the statements made in New York on 23 September 1996 by Tansu Çiller, Minister for Foreign Affairs of Turkey, to news agency correspondents and reporters.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 81 and 145, and of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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ANNEX

Letter dated 30 September 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Further to my earlier letters concerning United States and Turkish interference in the internal affairs of the Republic of Iraq, I should like to inform you of the statements made in New York to news agency correspondents and reporters on 23 September 1996 by Tansu Çiller, Minister for Foreign Affairs of Turkey, after her meeting with the United States Secretary of State, when she again confirmed United States and Turkish interference in Iraq's internal affairs.

Çiller said:

> "The fact is that my country, geographically speaking, is located in a strategic area, as is well known. We have done everything asked of us by the United States. As you know, we helped to transport United States citizens from Iraq through Turkey in order to save them. Then we helped our United States ally to bring American Government officials out of Iraq for onward travel through Turkey. They asked us to help 2,500 people, Kurds who live in this part of the world, for humanitarian reasons, and we responded immediately to that request also. So, for all the things our United States ally requested, our response has been immediate. I believe that our actions speak for themselves."

To a correspondent's question as to whether Turkey was not ready to cancel the security zone, the Turkish Minister for Foreign Affairs replied as follows:

> "We are not ready to cancel the security zone, because we fear the influx of refugees and the PKK has stationed themselves right next to our borders. ... [The security zone] must be temporarily a danger zone."

The statements made by Tansu Çiller clearly reveal the following facts:

1. Turkey is colluding with the Government of the United States in large-scale intervention in the internal affairs of Iraq for the purpose of undermining Iraq, changing its national political regime and threatening its territorial integrity.

Tansu Çiller has admitted that Turkey cooperated with the United States in evacuating of what she calls American officials and American nationals who were in northern Iraq. These Americans did not enter Iraq in a legal and legitimate manner but were secretly infiltrated into northern Iraq with the assistance of the Turkish Government. All of them are officers, spies and saboteurs working for the United States Central Intelligence Agency (CIA).

2. The aforesaid Americans were infiltrated into northern Iraq to carry out a covert operation that was planned and financed by the United States Administration and implemented directly by the CIA. In this connection, I refer

to the details of this criminal American covert operation that I communicated to you in my letter of 10 September 1996 (A/51/345-S/1996/739, annex).

The statements made by Tansu Çiller confirm Turkey's involvement in this large-scale covert operation against the sovereignty, security, political independence and territorial integrity of Iraq.

3. The statements made by Tansu Çiller expose the plans of the Turkish Government to occupy Iraqi territory in order to establish what Çiller calls a security zone or "temporarily a danger zone". The Turkish plans constitute blatant aggression against Iraq, overt interference in Iraq's internal affairs, a violation of its territorial integrity and a breach of the principles of international law and the Charter of the United Nations.

The Government of Iraq requests the United Nations to put an end to the interference in Iraq's internal affairs by the Governments of the United States and Turkey, given that such policies are incompatible with the letter and spirit of the Charter and do not advance the goal of building peace and stability in the region or in the world.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 81 and 145, and of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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1 October 1996

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS SUPPORT MISSION IN HAITI

I. INTRODUCTION

1. By its resolution 1063 (1996) of 28 June 1996, the Security Council decided to establish a United Nations Support Mission in Haiti (UNSMIH) until 30 November 1996 to assist the Government of Haiti in the professionalization of the police and in the maintenance of a stable environment conducive to the success of the current efforts to establish and train an effective national police force, and expressed its support for the role of my Special Representative in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in the country. The present report is submitted in compliance with paragraph 8 of that resolution, in which the Security Council requested me to submit a report on the implementation of the resolution by 30 September 1996.

2. The report also contains my recommendations on the operations and strength of the United Nations Mission in Haiti. These recommendations take into account the fact that recent developments have resulted in a serious deterioration of the security situation in the country and reflect the assessments made by the military and civilian police members of UNSMIH. They are also based on the ongoing consultations of my Special Representative, Enrique ter Horst, with the Government of President René Préval. Finally, they take into account the views of the group of "Friends of the Secretary-General for Haiti", namely, Argentina, Canada, Chile, France, the United States of America and Venezuela, whose support remains invaluable.

II. POLITICAL AND SECURITY SITUATION

3. The Government of President René Préval and Prime Minister Rosny Smarth has taken steps to correct some of the pressing economic and social problems that confront Haiti. Progress has been visible in the increased state revenues and road repair. The Government has reached agreement with the multilateral lending institutions and presented an economic reform package to the Parliament. The absence of consensus within the Parliament on this issue and the difficult conditions under which the parliamentarians have had to work led to a

considerable delay in finalizing this legislation. Without the international aid that was conditioned on the economic reforms, the Government has remained solvent through severe economies and fiscal conservatism. As a result, some public sector employees, including members of the Haitian National Police (HNP), have not been paid regularly. This has contributed to absenteeism and low morale among police officers.

4. While the commitment of the Government to make the changes necessary to improve the lives of all citizens is clear, there are indications that progress has been inadequate in several areas. Many ministries suffer from a lack of qualified staff and institutional memory, meagre resources and inadequate premises. Consequently, Haiti is not in a position to make full use of the significant international assistance offered. This is particularly unfortunate given the fact that the popular demand for social services and improved infrastructure continues to grow. These unmet aspirations are the cause of frustration that is frequently expressed in demonstrations and roadblocks.

5. Over the last year, common crime has become an increasing concern. It has included some forms of criminality rarely seen in Haiti, such as kidnapping for profit and the greater use of firearms. There are also indications that trafficking in drugs and contraband is on the increase. Given the weaknesses of the HNP and the poor performance of the justice sector, Haitians have continued to take matters into their own hands by committing acts of "vigilante justice". Lawlessness has also given rise to abuse of authority and human rights violations by the HNP, which is struggling to meet the ever-greater demands and expectations placed on it while confronting an ever-more sophisticated challenge from criminal elements.

6. The Armed Forces of Haiti (FAd'H) were disbanded by presidential decree in January 1995, pending the adoption by the Parliament of an amendment to the Constitution. While some of the 7,000 former soldiers were incorporated into the new civilian police force, the majority were demobilized and offered a six-month vocational training programme administered by the International Organization for Migration (IOM) and funded by the United States Agency for International Development (USAID). Some 5,000 of these men have acquired marketable skills while earning a monthly stipend, yet under 20 per cent have been able to secure positions in Haiti's sluggish economy. Additionally, not all their weapons were secured.

7. It will be recalled that in my report of 21 July 1995 (S/1995/614, para. 62), I noted that efforts to reintegrate former soldiers into the civil society were essential for peace-building. I have also appealed to Member States for additional funding for this vital undertaking.

8. Some groups of demobilized soldiers have called on the Government to provide compensation, including pensions and reimbursement of savings deposits. They have held demonstrations over the last year and, not having received any official response, have grown increasingly militant. Some ultimately threatened violence. While ex-FAd'H were long suspected to be behind some crimes, the first violent act definitively attributed to them was an attack on the police station at Vialet on 21 June. The station at Thomassiques was also attacked on 12 July. In both cases former soldiers were arrested and arms and ammunition

seized. On 19 July, André Armand, the leader of a group of soldiers known as the Rassemblement des Militaires Révoqués Sans Motifs (RAMIRESM), was shot to death and another former soldier has been detained in connection with his murder. Armand had recently said publicly that some former FAd'H members were plotting to destabilize the Government. On 17 August, 19 persons, including 15 former soldiers, were arrested on suspicion of plotting against the Government, among them a colonel who had played a prominent role during the period of the de facto Government. Except for the former colonel, those detained were meeting in the offices of the Mobilization for National Development (MDN), two of whose members were also held.

9. Two days after the arrests, a group of 30 men attacked the Port-au-Prince police station where the detainees were held. Several other incidents occurred in the metropolitan area that night, including shots fired at the Parliament and near the home of former President Jean-Bertrand Aristide. In the afternoon of 20 August, two MDN members were murdered on a crowded city street. Since then, minor acts of violence have continued: grenades were found at gas stations on 19 and 25 August; the headquarters of the national television station was attacked on 22 August; and two homes of members of the civilian police (CIVPOL) were fired on in Petit Goâve on the night of 25 August. Notes left by the attackers suggested that former soldiers were challenging the United Nations and the United States forces and that more violence would follow. In late August, the so-called Comité revendicatif des militaires démobilisés threatened action if the soldiers' financial demands were not met and their jailed colleagues released within seven days. They subsequently sought a dialogue with the Government, which had just announced that steps were being taken to address their financial concerns.

10. On 13 September, following the suspension of the Chief of the Presidential Security Unit (PSU) and his deputy, in connection with ongoing investigations, some 40 security agents were sent by the United States to Haiti bilaterally to assist the Government in professionalizing the PSU on a temporary basis. UNSMIH increased its own presence at the National Palace and coordinated its activities with the United States security personnel.

11. While incidents of violence have been numerous and are seemingly on the rise, they appear to be the work of several relatively small, but well-armed, groups, which do not coordinate their activities and have no popular support. Although these groups lack the capacity to pose a serious threat to the Government, the pattern of incidents has caused disquiet among Haitians and dealt another blow to the morale of the HNP.

12. Preoccupied with this security threat, the Government has been distracted from focusing on solving pressing social and economic concerns and promoting the reconciliation of Haitian society, both of which will condition future stability. However, in a public statement on 2 September, Prime Minister Smarth called on the former soldiers not to allow themselves to be manipulated into becoming involved in the cycle of violence and on all Haitians to support the rule of law and safeguard their country's democracy. He also reported that the Government was working with the international community to respond to the soldiers' situation, that the HNP's logistical capacity would be increased and that the justice system had been instructed to speed up investigation of recent

crimes. This statement was well received and some non-governmental organizations and political parties publicly supported the Prime Minister's message.

III. DEPLOYMENT AND OPERATIONS OF UNSMIH

13. As members will recall, the Security Council, in its resolution 1063 (1996), decided to limit to 600 and 300 respectively the troop and civilian police strength of UNSMIH and, bearing in mind the assurance given in my previous report (see S/1996/416, para. 36) that, the situation permitting, I would be alert to further opportunities to reduce the strength of the Mission, requested me to report to it on the prospects for such further reductions. In paragraph 6 of the same resolution, the Security Council requested all States to provide appropriate support for the actions undertaken by the United Nations and by Member States in pursuance of its relevant resolutions in order to carry out the provisions of the UNSMIH mandate. Responding to the Council's request, the Governments of Canada and the United States of America have provided, at their own expense, the resources required to fund an additional 700 military personnel to assist the Government of Haiti.

14. The restructuring of the force after the expiration of the mandate of UNMIH and the redeployment necessitated by the reduction of the previous United Nations-financed military component were carried out during the month of July 1996. Two military camps, at Cap-Haïtien and Port-au-Prince, were closed and another was reorganized to accommodate the contingent from Pakistan, which was redeployed to the capital. The contingent from Bangladesh was repatriated on 16 July. Likewise, the force headquarters staff was reduced and restructured. As a result, UNSMIH's military element is now deployed only in Port-au-Prince. At 15 September, its strength stood at 600. In addition, some 672 personnel funded on a voluntary basis (see annex) are in the mission area. The military element is under the command of Brigadier-General J. R. P. Daigle (Canada).

15. In compliance with the usual practice, negotiations were held with the Government of Haiti to ensure that UNSMIH would enjoy full freedom of movement and communication, and other rights necessary for the performance of its tasks. These negotiations concluded successfully and, on 4 July, the Prime Minister informed the United Nations that the status-of-forces agreement concluded for UNMIH on 15 March 1995 would apply mutatis mutandis to UNSMIH and its personnel.

16. As already noted, the reduction of UNMIH's military element necessitated a concentration of the remaining forces in Port-au-Prince (see attached map), which, as the centre of economic, political and social activity in Haiti, is critical to the maintenance of a secure and stable environment. A strong military presence there is therefore essential to provide a credible deterrence against those who might seek to destabilize the situation. With this in mind, and in view of recent developments, UNSMIH has greatly increased the number of its patrols to manifest its presence, thus considerably reducing the reaction time required to respond to critical situations in the metropolitan area. UNSMIH helicopters equipped with radar and search lights are flown in

coordination with ground patrols in order to increase effectiveness, particularly at night.

17. UNSMIH regularly provides support and back-up to the HNP as it confronts various security challenges. UNSMIH has also continued to ensure security at the National Palace, for the President's motorcade and at the residence of the former President. In an effort to assign the highest possible number of troops to ground patrols, the number of key installations to be protected has been reduced to the absolute minimum. As a result, United Nations military personnel are no longer deployed at the seaport or the airport, which are now protected by the HNP. However, UNSMIH will continue to be deployed at the same level both at headquarters and at the two military camps in the capital to ensure their protection.

18. UNSMIH's military element also assists in the professionalization of the HNP by conducting joint civilian police/HNP/military patrols in the more difficult areas of the capital. In addition, it has assisted in the training of an HNP quick-reaction tactical response team for the search and seizure of weapons. The military element further supports the HNP in the areas of information-gathering, organization and planning. In recent weeks, it has provided increased back-up to the HNP and CIVPOL. For example, UNSMIH military units were posted at the Parliament in the aftermath of the shooting attack on the building (see para. 9 above).

19. The HNP's capacity to respond appropriately outside the Port-au-Prince area is limited by a general lack of equipment, training and organization. It is important, therefore, that UNSMIH be able to respond quickly throughout the country when HNP and CIVPOL units in the more remote areas require assistance. To simplify the assignment of responsibility, the country's nine departments have been divided into two areas - Response Zones North and South. In this context, it is important that the Mission be assigned two medium-lift helicopters.

20. Under the command of Colonel Robert Pigeyre (France), the civilian police element of UNSMIH (CIVPOL), whose strength at 15 September stood at 271, continues to be deployed at 19 locations throughout Haiti from where it seeks to professionalize the HNP through on-the-job training and by reinforcing its command and management structures. CIVPOL personnel accompany HNP officers in their daily policing activities and also provide more formal training at each police station. Of the 271 CIVPOL members, 223 are assigned to individual commissariats and 40 serve as technical consultants, instructors and advisers to specialized units such as the Special Investigative Unit (brigade criminelle), the Inspector-General's Office and the proposed HNP Operations Centre. The eight remaining CIVPOL members comprise the senior police command at UNSMIH headquarters.

21. The 223 CIVPOL officers at the commissariat level are primarily involved in the field training of HNP personnel. They accompany HNP officers on routine patrols, monitor their behaviour and procedures during criminal investigations, arrests, the questioning of suspects and the handling of prisoners. They also participate in the evaluation of the performance of HNP officers and provide continuous instruction at the detachment level under the monitoring of the

Training Section at UNSMIH headquarters. This recently developed approach ensures that training is consistent across the country. Twenty subjects have already been identified for the training and some courses will be completed by the end of November 1996. Additional subjects will be taught at future courses.

22. CIVPOL officers also serve as instructors at the Police Academy. They have assumed responsibility in particular for imparting skills that were urgently needed, such as professional intervention techniques (gestes techniques professionels d'intervention) which are being taught to 47 HNP officers. The last group of 15 HNP officers was scheduled to commence this course on 16 September. VIP security (sécurité rapprochée) is provided by 100 HNP officers trained by CIVPOL and an additional 25 officers are currently in training.

23. In order to fill the gaps in the HNP command structure as quickly as possible, CIVPOL has trained 43 commissaires and two additional training sessions are scheduled in September (for 23 officers) and in October (for an additional 30). Another gap in the command structure is at the intermediate inspecteur level. To fill this gap, CIVPOL has conducted training sessions for the most senior of the rank-and-file officers, known as "Agents 3" and "4". Studying in groups of 30, some 170 of the former will receive officer training and a 15-day course qualifying candidates for commissaires will be held for 141 "Agents 4", who will be grouped into classes of 50.

24. One hundred and twenty officers have been trained for the crowd-control units (compagnies de maintien de l'ordre) and three additional four-week courses for groups of 40 officers are planned for the north, east and central regions. CIVPOL has provided on-the-job training to 33 detectives assigned to the brigade criminelle. Twenty-one of these will be assigned to local detachments around the country and their replacements in the capital will also be trained by CIVPOL. The feasibility of establishing training centres at the departmental level is currently under study.

IV. HAITIAN NATIONAL POLICE

25. The 6,000-member Haitian National Police (HNP) was fully deployed in 174 locations by the end of February 1996. This young force, which is in a difficult and critical phase, has three fundamental shortcomings: inexperience, inadequate equipment and insufficient leadership. Created from virtually nothing and not yet two years old, it is facing a formidable challenge from well-armed criminals, some of whom are politically motivated. It remains grossly underequipped. Many police stations lack even such basics as electricity, plumbing and water, and some of them attempt to serve their communities without telephone, radio or vehicles. Many mid-level officer posts remain unfilled and those officers who are deployed - with only a few weeks' training - lack leadership experience. Taken together, these problems seriously tax the capacity of the young officers to carry out their duties and adversely affect their morale. UNSMIH's CIVPOL members, who regularly monitor HNP posts throughout the country, report that officers exhibit a lack of motivation that is expressed in chronic absenteeism and even desertion. This problem is so commonplace that some subcommissariats are non-functional. Indeed, it is

CIVPOL's presence that makes it possible for some stations to function at all, mitigating the lack of resources by sharing its vehicles and means of communication with the HNP.

26. The office of the HNP Director-General has drafted a plan for the institutional development of the police that incorporates in large measure the work and recommendations of the working groups that functioned during the mandate of UNMIH. Working together, the HNP and UNSMIH leadership have translated this plan into concrete objectives, named individuals responsible for their achievement and set deadlines. Progress in this work is tracked by President Préval at regular gatherings of key HNP officials, UNSMIH, the International Civilian Mission in Haiti (MICIVIH) and bilateral donors. To ensure that his plan will be implemented efficiently, HNP Director-General Pierre Denizé has created a "support and follow-up group", which includes all those involved in the training, professionalization and management of the HNP - namely, representatives of Canada, France, the United States of America and CIVPOL. Although progress in this forum remains limited, advances have been noted in several areas, such as the establishment of a computerized payroll system. A new coast guard and fire brigade are now operational. Some local HNP detachments have established constructive relations with local residents. In Cap-Haïtien, for example, a community relations unit has been established and HNP officers have made presentations in schools on the role of police in society. Last spring, the new HNP disciplinary code was widely distributed. In this and other ways, HNP leadership has made clear its commitment to enforcing human rights and ethical standards within the police. This commitment is also reinforced by MICIVIH's human rights training for the police.

27. Despite some progress and the establishment of mechanisms that should help consolidate the HNP, much remains to be implemented. Essential decisions, such as the appointment of mid-level and senior officers, have been delayed, which has caused, at times, a leadership vacuum in the country. Many rank-and-file officers function without adequate direction - a situation that, predictably, has given rise to indiscipline and excesses. Most of the 43 officers trained to serve as commissaires were not deployed on graduation when it was discovered that a majority of them were former FAd'H members who had scored well on the qualifying examination. Fearing popular rejection, the HNP leadership decided to wait until more commissaires with a civilian background completed their training, thereby improving the military/civilian ratio. Some three months later, these critical appointments still have to be made and some 70 posts remain empty. In many locations, CIVPOL has had to fill the managerial void.

28. Another critical step that has yet to be taken is the establishment of a command centre at headquarters in Port-au-Prince and of similar centres at each of the nine departmental headquarters. While the decision to establish departmental centres de renseignements et d'opérations was taken last February, the personnel required has yet to be appointed and the sites to be chosen. One of the causes for the delay is that the national telephone authority has failed to install the necessary telephone lines at HNP headquarters. In the meantime, CIVPOL has offered its own operations centre as a base to train the personnel for HNP operations centres around the country.

29. In general, the institutional development of the HNP has been seriously delayed. Financially, the HNP has not been spared from the budgetary constraints affecting the whole public sector. Because the Government remains short of cash until the economic package is approved by the Parliament, the Ministry of Finance has not disbursed adequate funds to the Ministry of Justice. As a result, police officers are paid one or two months late. In general, record-keeping is insufficient and basic information about the institution is not centralized or systematized. Particularly problematic in a country with increasing criminality - some of it new and sophisticated - is the HNP's lack of a criminal investigative capacity. Much of the country remains without any detectives at all. The one unit specialized in criminal investigation - the brigade criminelle - is small and devoted to investigating a limited number of killings that appear to be politically motivated.

30. Although it has received large amounts of equipment donated by UNSMIH and bilateral donors, the force remains manifestly underequipped. Many officers have only one uniform, which may be one of the reasons why they sometimes report for work in civilian clothing. The participation of armed men in street clothes in policing functions has caused confusion and fear among the population and could give rise to abuse.

31. UNSMIH continues to play a leading role in the logistics area and it has drawn up a list of existing resources and needs. Regularly updated, the list reveals glaring deficiencies in all areas: transportation, infrastructure and communications.

32. Much of the equipment donated to the HNP is currently non-functional because it has been misused or fallen into disrepair. Systems to ensure accountability and maintenance remain inadequate. UNSMIH has begun repairing HNP vehicles at its workshops in Cap-Haïtien, Hinche and Les Cayes and will eventually transfer these resources to the HNP. Systems to ensure the proper maintenance of telecommunications equipment are also lacking and donated equipment is now in need of overhaul.

33. It will be recalled that in response to Security Council resolution 975 (1995), I set up a voluntary fund to assist with the creation of an adequate police force in Haiti. Since that time, in all my reports on Haiti, I have appealed to Member States to give immediate and serious consideration to contributing to the Fund. To date, the Fund has received a total of US$ 3,250,000 from Japan, the Republic of Korea and Luxembourg. These resources have been used to provide vehicles, communications and other equipment and to renovate over 25 police stations throughout Haiti. Many more of the country's 174 police stations are in dire need of repair. I wish to thank those Governments which have generously contributed to the Trust Fund. However, its resources will soon be exhausted. In this context, it should be noted that the Director-General of the HNP has made a request, endorsed by President Préval, for assistance by the international community to hire 40 police consultants to provide technical advice and expertise to HNP officials for an 18-month period.

34. Charged with ensuring compliance with fundamental ethical, professional and human rights standards, Inspector-General Eucher Luc Joseph and his 23 staff are struggling to investigate a growing number of cases. Working in extremely

difficult conditions, they have completed the investigation of 35 cases, out of a total of more than 200. This office performs a critical function within the HNP and is a key guarantor to ensuring a society based on the rule of law. It bears mentioning that timely and thorough investigations of accusations of wrongdoing on the part of the HNP will contribute significantly to the public's confidence in the institution. Likewise, cases in which a crime has been committed should be passed as a matter of course to the competent judge. In that context, the Inspector-General is conducting a corps-wide performance survey (to be completed on 15 October) with the intention of dismissing those officers deemed unfit. Six CIVPOL members continue to be assigned to the Inspector-General's office.

V. JUDICIARY AND PRISON SYSTEMS

35. The HNP's partner in the administration of justice is the court system, which in most of the country remains dysfunctional. Under Haiti's civil law system, an investigating judge has, in partnership with the public prosecutor (commissaire du gouvernement), a significant role in criminal investigation. Nearly 80 per cent of those detained in prison are awaiting trial. Consequently, prisons are seriously overcrowded. Together with USAID and the United Nations Development Programme (UNDP), MICIVIH continues to work in order to improve conditions of detention. Jury trials have not been held regularly in many jurisdictions for years, though there was some improvement in July and August. The July acquittal of two men accused of murdering former Justice Minister Guy Malary in October 1993 served to focus public attention on the sector's need for a fundamental overhaul.

36. Recognizing the importance of judicial reform, the Prime Minister is convening monthly coordination meetings among Ministry of Justice officials, UNDP, MICIVIH, UNSMIH and donors. Implementation of a 32-point plan of action is reviewed and adjustments made as required. So far, progress has been slow, lagging behind developments in the public security sector. At the end of August, the Ministry of Justice introduced in the Parliament a bill on judicial reform that provides, inter alia, for the creation of a committee of experts to help the understaffed Ministry of Justice and that of a committee of evaluation, jointly designated by the Parliament and the Executive Branch, to deal with the status, training and replacement of judicial personnel. While consideration of this bill may help develop a consensus on the sensitive issue of the restructuring of the judiciary, it may result in further delays in the decisions required to establish confidence in the court system and meet the growing demand for justice.

37. The appointment of Dr. Louis Roy as Human Rights Ombudsman was a positive development. Once operational, this office should serve an important monitoring function in ensuring that those entrusted with the protection of the rights of Haitians live up to that responsibility.

38. Considerable resources have been offered by the international community for judicial reform. Courthouses are being renovated with the assistance of Canada; USAID and MICIVIH, together with Canadian specialists, are working jointly on improving administrative procedures in the offices of the public prosecutors;

France has provided several experts to the Ministry of Justice; USAID stands ready to fund training and other activities. These resources represent an important opportunity for Haitian officials overseeing judicial reform efforts.

VI. DEVELOPMENT ACTIVITIES

39. By its resolution 1063 (1996), the Security Council supported the role of my Special Representative in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti. The Council also stressed the importance of an early agreement between the Government of Haiti and the international financial institutions on the steps necessary to make possible the provision of additional financial support.

40. The Government's development efforts in the last three months have centred on encouraging passage by Parliament of two key laws related to the structural adjustment programme - civil service reform and modernization of public enterprises, maintaining the macroeconomic balance necessary to attract private investment and reactivating externally financed public investment to improve the country's infrastructure and provide a much-needed stimulus to domestic demand.

41. Efforts on the fiscal front have achieved some positive results. Tax revenues have continued to increase as collection improves and tax evasion diminishes. Current fiscal expenditures are running below budgeted appropriations as external financing has not been disbursed pending the adoption of the structural adjustment programme. Higher revenues and fiscal expenditures below those planned have resulted in a gradual narrowing of the fiscal imbalance in the third quarter. This trend, combined with several other factors, has led to a slight appreciation of the gourde. Contributing to this improvement were the slight deceleration of inflation (as of July 1996, 17.6 per cent on an annual basis); increase in available foreign exchange owing to a growing number of visitors, both Haitians living abroad and foreigners; and strengthening of the gourde resulting from the inflow of foreign currency by bilateral or multilateral donors to finance public investments.

42. Economic growth is still modest. Increased public investment - more than 90 per cent of which is externally financed - and renewed private construction have stimulated demand. Yet this increase in demand is nearly offset by the decrease stemming from the narrowing fiscal deficit and other factors. The recent violence, while not affecting public investment programmes, might scare off private investors.

43. Since my last report, there has been little change in the priorities, approach and commitments of multilateral and bilateral agencies and donors. The supply of soft credits and grants - mostly for technical assistance - remains substantial for the coming years. Yet, absorption capacity is still a problem. To tackle this obstacle, on 3 June, the Prime Minister convened the Ministers whose programmes are externally financed, as well as key multilateral and bilateral actors, including the UNDP Resident Representative. Three main problems were identified: virtually all ministries lack qualified personnel at appropriate levels to expedite externally assisted projects; bureaucratic

obstacles on the part of the Government - but also on the part of the donors - retard and even impede project implementation; lack of coordination among donors in some sectors leads to excessive demands on the time of the Minister concerned and already overworked ministerial staff who are at times obliged to analyse and choose among similar projects presented by different donors.

44. A proposal to deal with these last two issues was submitted to the Prime Minister by the UNDP Resident Representative in a letter dated 16 July 1996. It will be recalled that, in 1995, I appointed the UNDP Resident Representative to the post of Deputy Special Representative, thus linking a peace-keeping mission to development activities for the first time. This arrangement is working well in that it has created an organic link between the Mission and various agencies and programmes represented in Haiti. The President of the Security Council welcomed my decision to coordinate the peace-keeping mission with development activities and expressed the hope that this coordination would promote closer cooperation of all concerned in Haiti, as well as improve effectiveness of international support for rebuilding Haiti's economy (see S/PRST/1995/20 of 24 April 1995).

45. On 29 July, my Special Representative invited the Prime Minister, the Minister of Planning and External Cooperation, the Minister of the Economy and Finance, the multilateral financial agencies, key bilateral donors and agencies of the United Nations system working in Haiti to a meeting whose purpose was to explain the Mission's wide mandate and to promote discussion on how to implement its new aspects to follow up on proposals made in the above-mentioned letter.

46. There emerged from this gathering a mechanism by which each Minister would invite the main donors in his sector to analyse jointly the status of projects and identify measures to advance their implementation. These periodic meetings will also allow the Minister to brief the donors on the Government's main policy directions for the sector and to explain new initiatives. Moreover, donors will be able to use the opportunity to present new project ideas, thus reducing the possibility of duplication and demands on the Minister's time. The first sectoral meeting using this modality was hosted by the Ministry of Social Affairs on 22 August and a calendar of meetings has been set for the ministries with oversight in health, public works, transportation and communication, agriculture and the environment.

47. South-South cooperation is gathering momentum. Technical assistance and training missions from Bolivia, Chile, Cuba and Mexico have come to Haiti in the last three months. Many other Latin American and Caribbean countries have planned missions of a similar nature in coming months. Also, an increasing number of trade missions (among them, Venezuela and the Caribbean Tourism Organization) have visited the country recently and reached agreements to enhance commercial relations. It is to be hoped that Haiti is gradually becoming attractive for traders and potential investors in the Caribbean and Latin America.

48. In my previous report, I had encouraged the formulation of a shared vision among Haitians of their country's future. The purpose, inter alia, was to improve the framework for international support. At the initiative of my Special Representative, a group of 29 Haitian leaders and experts from different

sectors (business, church, community organizations, government, non-profit organizations, university); disciplines (economists, jurists, social and political scientists, historians, architects, medical doctors, engineers); and political persuasions met to map out key long-term objectives and policies for their country. This seminar was held under the auspices of UNDP and two local non-governmental organizations. A synthesis of these discussions will be published shortly. This workshop constitutes the first step in a process that aims to facilitate a national dialogue and formulation of a domestic agenda based on a large degree of consensus, which is essential for the formulation of a framework for international support in coming years. Under the overall coordination of the Special Representative, the agencies of the United Nations system will continue to contribute to the formulation of this shared vision and to be involved in the new sectoral working groups in the socio-economic sphere. In this fashion, the United Nations will be able to remain engaged in promoting the development of Haiti over the long term, in continuation of its commitment during the current period of transition.

VII. OBSERVATIONS AND RECOMMENDATIONS

49. It is clear, from all indications, that the security situation in Haiti has deteriorated in recent weeks. The attacks and shooting incidents that have occurred in Port-au-Prince reflect an increase in subversive activities in which some ex-FAd'H personnel and members of extreme rightist organizations seem to be involved. A number of popular demonstrations have also been held throughout the country and it cannot be excluded that locally based vigilante brigades might step up their activities, thus further threatening public security and eroding the country's stability.

50. So far, the HNP has not reached the level of experience and confidence required to control and defeat threats posed by subversive groups. It is clear, therefore, that UNSMIH's military element, which is still the largest and best equipped security force in Haiti, is a key factor in the ability of the Haitian authorities to contain the danger of destabilization by forces threatening democracy.

51. The Government of Haiti has repeatedly demonstrated its commitment to build a human rights-respecting, civilian police force as a strong institutional guarantor of the rule of law. The HNP leadership, as well as many of its officers, are working diligently under very difficult circumstances and under the pressure of both increasing expectations and a renewed security threat. Nine officers have been killed during 1996, shaking the confidence of police and citizens alike.

52. It is likely that the recent spate of violence is intended to test the resolve of the HNP, the Government and the international community. Efforts must be redoubled and key decisions must be promptly made and implemented if the HNP is to achieve the necessary professionalization and efficiency. Authority and decision-making need to be decentralized. In this context, I would like to reiterate my call to the Governments of Member States to contribute generously to the Trust Fund for the Haitian National Police, which, in the coming months,

will be needed to respond to the request of the Government of Haiti for a technical advisers programme.

53. Recent events serve as a reminder of the importance of further steps to prevent the dangers to a secure and stable environment posed by further polarization and to ensure the reconciliation of Haitian society. I note with satisfaction that a joint working group of IOM, USAID and UNSMIH has crafted a scheme to satisfy a number of legitimate demands by the demobilized soldiers. Once implemented, this scheme should help promote the reintegration of this section of the Haitian population into civil society. With the Government's economic policies almost in place, the stage is set for more growth and development. Coordinated by my Special Representative and his Deputy, a mechanism has been put in place to improve the implementation of projects in the socio-economic area. It is hoped that these steps will bolster investors' confidence.

54. As I have noted in the past, by endorsing my proposals in July 1994, the Security Council was by implication committing the international community to a long-term programme of support for Haiti. In my view, the presence and assistance of the international community will continue to be required beyond November 1996 to help the Government of Haiti set up a professional, well-managed and well-equipped civilian police and ensure that a stable environment will be consolidated, that democracy will take root and that economic and social development will translate into a visible improvement of the living conditions of the people.

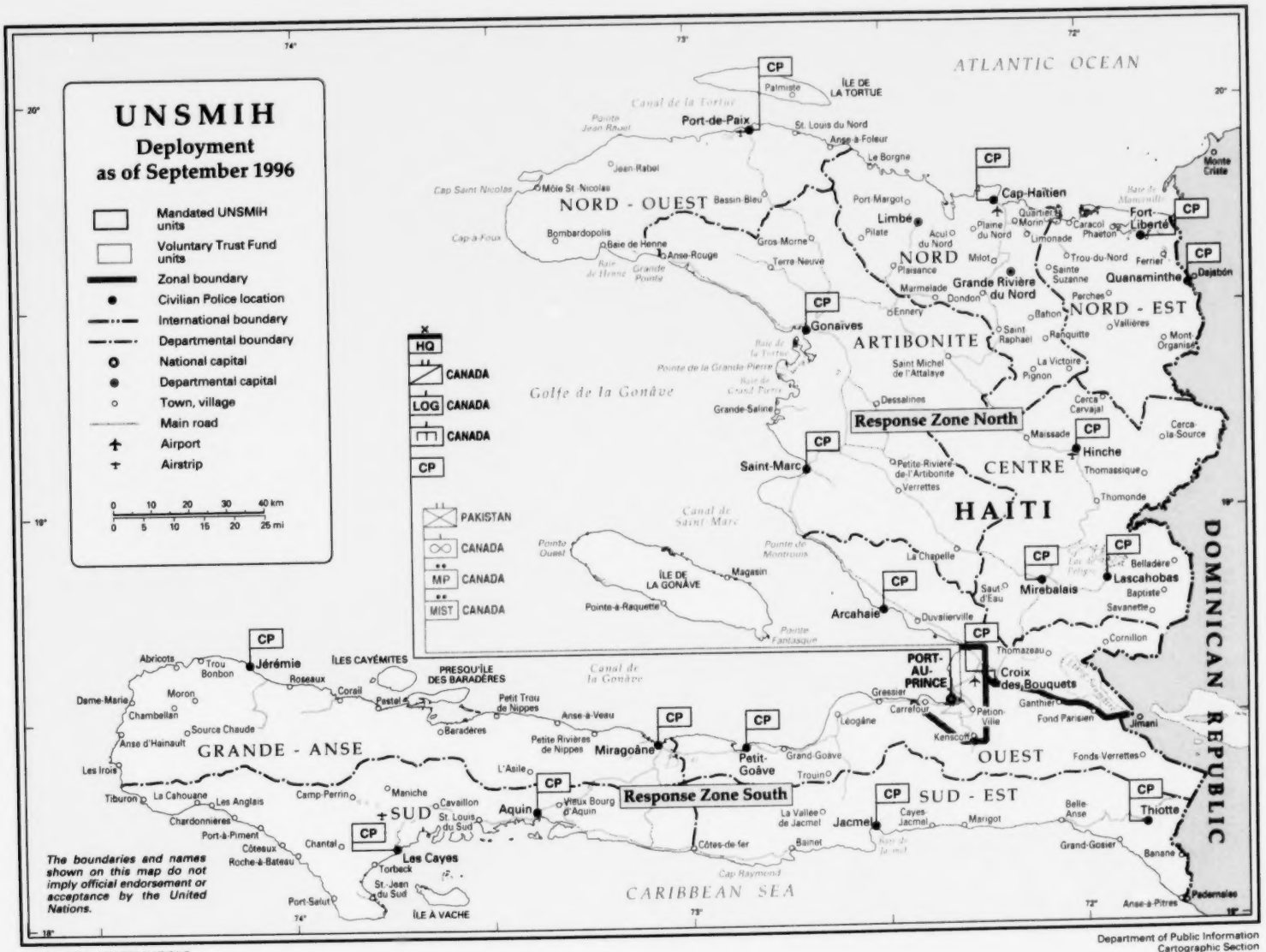
55. As noted in paragraph 13 above, the Council had requested me to report to it on prospects for further reductions in the strength of the Mission. While I shall, of course, remain alert to opportunities to reduce the Mission's strength and costs, I must recommend that UNSMIH's current military and CIVPOL strength be maintained for the time being. The present troop level, supplemented by additional voluntarily funded personnel, constitutes in my view the minimum required for the implementation of the Mission's mandate, and I am convinced that, in the present circumstances, any further reduction would diminish UNSMIH's operational and training capability and place its mandate at risk.

56. In concluding the present report, I should like to commend my Special Representative, the commanders of the military and civilian police elements and the international and local civilian staff for their outstanding efforts in support of democracy in Haiti.

Annex

Composition and strength of UNSMIH military and civilian police elements as at 15 September 1996

Nationality	Military			Civilian police
	Operational	Headquarters	Voluntarily funded	
Algeria				12
Bangladesh		8		
Canada	515	38	172	98
Djibouti				19
France				91
Mali				39
Pakistan	25	13	500	
Russian Federation				5
Togo				7
Trinidad and Tobago	—	1	—	—
Total	540	60	672	271
Grand Total	600		672	271



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LETTER DATED 1 OCTOBER 1996 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which I received today from the High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-24848 (E) 021096

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Annex

Letter dated 29 September 1996 from the High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you my third report on my activities as High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina. I would appreciate your making this report available to the Security Council.

With the certification by the Organization for Security and Cooperation in Europe (OSCE) of the results of the elections held on 14 September in accordance with Annex 3 of the Peace Agreement completed today, I hereby confirm that conditions have been met for decisions envisaged in paragraph 4 of the Security Council resolution 1022 (1995) to be taken. I request that the Security Council be duly notified.

(Signed) Carl BILDT

Appendix

Report of the High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations

I. INTRODUCTION

1. Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, which endorsed my appointment as High Representative to monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of the civilian organizations and agencies involved in the implementation of the Peace Agreement on Bosnia and Herzegovina, I hereby submit my third report envisaged in Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference, held on 8 and 9 December 1995.

2. The present report covers developments in the areas listed below during the period from the beginning of July to the end of September 1996.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. My headquarters in Sarajevo and the secretariat in Brussels have in the period under review continued to maintain operational coordination of civilian implementation activities inside Bosnia and Herzegovina and strategic-level contacts with the headquarters of the respective implementation organizations and agencies, closely following, to the extent possible, the various international gatherings dealing with the Bosnian peace implementation.

4. In addition to the regional branch office of the High Representative in Banja Luka, a representative of the Office of the High Representative (OHR) has started working in Tuzla, the second largest city in the territory of the Federation of Bosnia and Herzegovina, providing a valuable point of contact to the different official and political institutions in the important northern region of Bosnia and Herzegovina.

Working Groups of the International Conference on the Former Yugoslavia

5. The Working Group on National Minorities under Ambassador Martin Lutz continued to maintain regular contact with ethnic groups within the Federal Republic of Yugoslavia and Croatia, as well as with the Governments of the two countries.

6. My team will continue to encourage dialogue on Kosovo between the Government of the Federal Republic of Yugoslavia and the legitimate representatives of the Kosovar Albanians and will continue to suggest initiatives for reducing tension in that volatile area. In this context I

welcome the agreement on education in Kosovo signed on 1 September and look forward to its early implementation.

7. The Special Negotiator on State Succession Issues, Sir Arthur Watts, held a third round of discussions in Brussels with each of the five States in July. In the light of those and previous discussions, he put forward some ideas for progress to the parties in mid-July. Subsequently, a fourth round to discuss these ideas was held with all five States in Brussels from 5 to 12 September. Further discussions will take place in October.

Peace Implementation Council

8. The Steering Board of the Peace Implementation Council continued its monthly meetings at the level of political directors of the respective Foreign Ministries, each devoted to specific issues of the peace process. The discussion at the meeting in Brussels on 30 July centred on the preparation of elections in Bosnia and Herzegovina, and also examined the proposal for a two-year consolidation period. The next meeting, also held in Brussels, on 5 September, focused on the preparations for the post-election period and endorsed the High Representative's plan of action. Reports of the Working Groups of the International Conference on the Former Yugoslavia were also presented. A further meeting of the Steering Board, which will take place in my Office in Sarajevo on 2 October, will discuss progress in the setting up of common Bosnia and Herzegovina institutions, as well as preparations for municipal elections and results of the United Nations International Police Task Force Donor Conference, held at Dublin on 28 September.

9. In addition to the Steering Board sessions, other important international meetings in various formats, including that of countries that had witnessed the signing of the Peace Agreement, were taking place on a frequent basis. OHR was represented by myself or senior members of my staff. These meetings, some attended by delegations of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, contributed to promoting the political and other aspects of peace implementation. It is my understanding that further meetings of this nature will take place.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

10. Another meeting of the major implementation agencies was held at my office in Brussels on 15 July in order to assess the efforts undertaken by the different international agencies and organizations involved in the implementation of the Peace Agreement. A further meeting is planned for 8 October.

11. I have continued extensive consultations with representatives of Governments and organizations. On 31 July I met the United Nations Secretary-General in New York and on the same day reported to the members of the Security Council on the progress in the Bosnian peace implementation. I then met with the Security Council again on 26 September. I also had several meetings with

the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE). On 7 September I addressed an informal ministerial meeting of the European Union (EU).

12. In Sarajevo, I have been convening on a regular basis principals' meetings with the participation of the Commanders of the Implementation Force and the Ace Rapid Reaction Corps, the Special Representative of the United Nations Secretary-General and the Commissioner of the United Nations International Police Task Force, the Special Envoy of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the OSCE Head of Mission. These meetings have proved most helpful and effective in coordinating efforts of the major implementation structures on the ground, particularly in the run-up to elections.

Operational coordination

13. On the ground in Bosnia the Joint Interim Commission, composed of delegations led by the Prime Ministers of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska and chaired by me, in its last meeting at the beginning of July established a Subcommittee on Preparations for the Post-Election Period (JIC-PE), in which all three Governments are represented at ministerial level. Under my chairmanship the Subcommittee has been meeting regularly and has dealt with a wide range of issues concerning the political and constitutional implementation of the Peace Agreement in the period following the 14 September elections. At these meetings many issues have been clarified with the parties. That has contributed to shaping OHR post-election planning.

14. The Joint Civilian Commission (JCC) and the four regional Joint Civilian Commissions (North, West, South and Sarajevo) have been meeting periodically, chaired by my Principal Deputy, Ambassador Michael Steiner. The JCC sessions, where Ministers of the Governments of Bosnia and Herzegovina, and the Federation and the Republika Srpska have been sitting together with representatives of the most important international organizations, have dealt with a variety of practical issues concerning the civilian implementation, including return of refugees and displaced persons, property issues, election preparations and economic reconstruction. The regional JCCs, bringing together representatives of both entities' local authorities to discuss issues of particular interest to each region, have proved to be very useful for promoting confidence between them. All these meetings have contributed to easing possible tensions and establishing contacts between the major factors of the political and economic life of the country. Overall, the JCC framework, most helpful in facilitating inter-entity confidence-building, should be maintained for the next stage of peace implementation.

15. The Joint Commissions established under the relevant Annexes of the Peace Agreement continued their work in their respective fields.

16. Activities of the Provisional Election Commission (Annex 3), chaired by OSCE, are referred to in a subsequent section of the present report.

17. The two constituent parts of the Commission on Human Rights (Annex 6) - the Human Rights Chamber and the Ombudsperson - have been working effectively since their establishment in late March. The Ombudsperson, Gret Heller, has received more than 300 complaints, 10 of which have been referred to the Human Rights Chamber. An office of the Ombudsperson was opened in Banja Luka in July. The Human Rights Chamber has been developing its rules of procedure, while at the same time beginning consideration of cases. While the efforts of the Commission on Human Rights during this start-up period are commendable, much remains to be done in establishing the Commission as an integral part of the legal framework of Bosnia and Herzegovina. Many if not most victims of human rights abuses in Bosnia and Herzegovina are unaware of the new institutions that were created under the Peace Agreement; others who have suffered abuses remain afraid to complain or sceptical as to whether the legal system will consider their claims fairly. At the same time, the authorities of the country have not yet put in place the necessary framework to ensure that the institutions of the Commission are supported in their work and that their decisions are implemented promptly and effectively. The Commission institutions are, at this point, funded by international donations, despite the requirement under the Peace Agreement that expenses of the Commission be borne by Bosnia and Herzegovina.

18. The Commission for Real Property Claims of Displaced Persons and Refugees (Annex 7), mandated to restore a fair and just system of property rights in Bosnia and Herzegovina, has been meeting regularly to analyse complex property laws and to establish principles for its future decisions. On 4 September a Headquarters Agreement was signed, which gives the Commission freedom from influence by any authority in Bosnia and Herzegovina when performing its duties in the country. The Commission has also begun its enormous operational task. Hundreds of thousands of claims are expected to be received from people both within the country and abroad. Coordinated from various field offices, mobile data-collection teams will travel throughout the country to meet people and give them the possibility to submit their claim. Similar systems will operate in countries abroad. During its initial period of operation, the Commission will give priority to the claims concerning the return of real property in its present state and will disregard laws, regulations and rules of any date if they are inconsistent with international human rights standards relating to property.

19. The Commission to Preserve National Monuments (Annex 8), coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO), continued discussions on defining a universally acceptable nomination form for immovable properties and working methods of the Commission. Another issue under discussion was the establishment of the Scientific Secretariat. A new session is planned for mid-October.

20. The Commission on Public Corporations (Annex 9), chaired by the European Bank for Reconstruction and Development (EBRD), has held five sessions and set up two working groups, on electricity and railways. The task of the working groups is to identify problems that ought to be solved within the framework of a public commission. The public commission in question would be the regulating agency for respective companies from both entities addressing issues such as tariffs and norms.

Elections

21. Elections at the State, entity and cantonal levels were held on 14 September. To achieve that goal, a very substantial collective effort had been required of the international community in the preceding months. The successful conduct of the municipal elections in Mostar on 30 June had given an important psychological boost to the general elections. The Provisional Election Commission (PEC) continued its work on the election rules and on the practical aspects of the preparations. In addition, it decided on 19 July that any political party that maintained in a party position or function a person who was under indictment by the International Tribunal for the Former Yugoslavia and who had failed to comply with an order to appear before the Tribunal, would be deemed ineligible to participate in the elections. While this measure was of general application, it also represented a further step in the efforts of the international community to ensure that Mr. Radovan Karadžić ceased to exercise public office and to influence the election process. Also, with my full support, the PEC on 6 August adopted a decision authorizing its Chairman to make available the necessary facilities for the functioning of the Open Broadcast Network. An Elections Appeals Subcommission was established to ensure compliance with the electoral rules and regulations.

22. The 14 September elections were held in a calm, orderly and dignified manner. This was as a result of the cooperative attitude of the parties, bolstered by the major planning effort on the part of all of the key international agencies. These included OSCE, which played the leading role, the United Nations Mission in Bosnia and Herzegovina (UNMIBH), UNHCR and the substantial efforts of the Implementation Force (IFOR). My Office coordinated these efforts closely. Apart from a small number of isolated incidents, election day was not marred by acts of violence. Similarly, there were no serious restrictions to freedom of movement. Fewer than expected of those citizens who had been displaced from their homes in the territory of the Republika Srpska availed themselves of the arrangements that had been put in place to enable them to vote in person where they had lived in 1991.

23. The conduct of the elections was monitored by a very large number of international monitors coordinated by Eduard van Thijn in accordance with a mandate from the Chairman-in-Office of OSCE. Mr. van Thijn issued a preliminary statement on 16 September as well as a final statement on 24 September summing up the observations and judgements of the international monitors. The statements of the Coordinator for International Monitoring are enclosed herewith (see attachments I and II).

24. Election results were certified by the Provisional Election Commissions on 29 September after the Elections Appeal Subcommission had also dealt with a large number of appeals. After careful consideration, none of these was seen as calling into question the validity of the elections and the results as certified by the PEC. On 30 September, the Chairman-in-Office of OSCE informed me of the position with regard to the certification of the election results by the PEC and also brought to my attention the letter which he had received from the Chairman of the PEC on this matter.

25. The term of the members of the Presidency of Bosnia and Herzegovina had been defined in the Peace Agreement as being two years for the first elections. The parties agreed that the terms of office of all those elected in the first elections should be harmonized and fixed at the same duration. It was left to the parties to determine how to implement the new regulations before the September elections, as voters should be entitled to know the duration of the terms of office for which they would elect candidates. On the eve of the elections both the Parliamentary Assembly of Bosnia and Herzegovina and that of the Federation of Bosnia and Herzegovina adopted the necessary measures. Although the item was included in the agenda of the National Assembly of the Republika Srpska, no decision was taken. In order to have the matter regulated should the parties not be able to adopt such rules in time before the elections, the PEC decided to include the necessary provision in its own rules and regulations, and on 13 September decided that the term of office for all those to be elected on 14 September would be two years. It also decided that the terms of Municipal Councillors, to be elected in the first elections, would expire on the same day as the terms of all those elected on 14 September.

26. Elections were not held for municipal governing authorities. The evidence of manipulation of the voter registration option enabling refugees to vote where they intend to live acted as a catalyst for the decision of the Chairman of the PEC, on 27 August, to postpone the municipal elections. These elections were not essential to the task of implementing the common institutions, but as municipal governing bodies are an important element of Bosnian society, elections should be held as soon as feasible. To that end, the parties have agreed to an extension of the mandate of the PEC until the end of 1996 and that OSCE will be engaged in the supervision of the elections. Substantial resources from the international community, both civilian and military, will be required so that the municipal elections can be organized and conducted in conditions of security.

Post-election transition

27. The successful conduct of elections has marked the conclusion of the third phase of peace implementation. We are now entering the fourth, and most sensitive, phase, which includes primarily the setting up of common institutions of Bosnia and Herzegovina and will eventually bring us to the conclusion of the year-long mandates of the implementation agencies. It is during this phase that the future destiny of Bosnia and Herzegovina will be defined - either it survives as a single State consisting of two entities, or goes down the road of partition with dire consequences for the whole region.

28. Using the final authority of the High Representative in theatre in civilian implementation of the Peace Agreement, as stipulated in Annex 10 of the Peace Agreement and further described in the Geneva Agreed Measures of 14 August, immediately after the preliminary election results were announced, I publicly announced on 19 September transitional arrangements designed to stimulate the formation of the common institutions and to avoid the creation of a power vacuum as well as any ambiguity concerning the continuity of the State of Bosnia and Herzegovina. Under these arrangements, from the moment the newly elected Presidency of Bosnia and Herzegovina assumes office upon the certification of election results, all existing governmental bodies within the territory of

Bosnia and Herzegovina will perform their functions on a caretaker basis until they are replaced by new bodies.

29. Pending the proclamation of the final results of the voting, I have already had meetings with the members of the newly elected Presidency. With the results now certified, it is my intention to have the first official meeting of the Presidency convened as soon as possible. I will then help convene the inaugural session of the House of Representatives, to be held jointly with the Presidency.

30. In order to facilitate the proper initial functioning of the common institutions, my Office, in collaboration with a number of international organizations, is preparing a quick start package comprising the minimal legislative basis for the Government of Bosnia and Herzegovina to operate. It will include, inter alia, laws covering foreign economic relations, citizenship and passport regulations, setting up of the Central Bank of Bosnia and Herzegovina, duration of the parliamentary mandate, immunity and Presidency succession, as well as air traffic regulations and a draft budget for 1997.

31. The process of adapting the constitutions of the Federation of Bosnia and Herzegovina and the Republika Srpska to the provisions of the Constitution of Bosnia and Herzegovina has now almost been completed. The Venice Commission of the Council of Europe has been studying the constitutional amendments made by the entities so far and recommended the further steps that were necessary. At my request, further consultations between members of the Venice Commission and representatives of both entities took place in Sarajevo at the end of August and proposals for amendments were made in order to enable the entities to adopt the necessary amendments before the September elections.

32. Although the Federation Assembly has not so far been able to adopt the proposals of the experts, the necessary changes must be made as soon as the new Federation Assembly is convened. Shortly before the September elections the Republika Srpska Assembly adopted a considerable number of constitutional amendments on the basis of the recommendations made by the Venice Commission. Although most of the provisions incompatible with the Constitution of Bosnia and Herzegovina have now been deleted or amended, there are still a few changes to be made in cases where the Republika Srpska Assembly did not follow the recommendations of the experts. If the Federation and Republika Srpska Assemblies do not implement the remaining proposals of the Venice Commission, the Constitutional Court of Bosnia and Herzegovina will have to decide whether the constitutional provisions in question are consistent with the Constitution of Bosnia and Herzegovina.

Federation issues

33. A fully functioning Federation of Bosnia and Herzegovina remains one of the cornerstones for the successful implementation of the General Framework Agreement. For this reason OHR efforts, in conjunction with efforts of some Governments, have continued with the aim of supporting the establishment of functioning Federation structures.

34. In general, these efforts have been hampered by the different procedural approaches of the Federation partners. Concerning the dissolution of existing

administrative arrangements in the territory under the control of the Croatian Defence Council (HVO), namely, the "Croat Republic of Herzeg-Bosna", and parallel establishment of Federation structures, and merging of institutions of the former Republic of Bosnia and Herzegovina into Federation structures. In a number of substantial policy areas, this difference in approach has led to a stalemate in the establishment of Federation structures. An area of special concern for the OHR is the facilitation of an agreement between the Federation partners concerning the future organizational structure of Sarajevo.

35. Progress in implementing the Federation clearly exists but has been regrettably slow: the Sarajevo Agreement of 30 March 1996 resulted in the establishment to a unified federal customs and financial system. The Petersberg Agreement of 25 April was a decisive step towards the establishment of new, democratic police structures in the Federation. The Blair House Agreement of 14 May paved the way for the adoption of a Federation Defence Law, envisaging the unification of existing defence structures inside the Federation. The Geneva Agreed Measures of 14 August further increased international pressure to dissolve "Herzeg-Bosna" and to finalize the establishment of working structures within the Federation.

36. The Federation partners recognize that a self-sustaining Federation is an indispensable precondition for the successful implementation of the Peace Agreement. Nevertheless, much groundwork remains to be done in order to create truly stable and democratic Federation structures. OHR efforts to facilitate further implementation of these structures will continue. They require, however, active and increased commitment and cooperation of the political leaders of the Federation partners.

The Inter-Entity Boundary Line and Brčko arbitration

37. Building on the substantial progress achieved earlier in adjusting the Inter-Entity Boundary Line (IEBL), on 17 July the parties signed a formal agreement resolving most of the practical issues that had been outstanding at the time of the signing of the Peace Agreement. Discussions continue under IFOR auspices on the last remaining sections of the IEBL and in particular on the sensitive Sarajevo district of Dobrinja.

38. Having failed to agree by 14 July on the candidature of the third member of the Brčko arbitration tribunal, the parties later accepted, however, the appointment by the President of the International Court of Justice of Robert Owen, who has since taken the Chair of the Arbitration Tribunal. There has been no substantial progress in the arbitration process, however, owing to the existing difference of opinion between the parties on the object of the arbitration.

39. I continue to believe that the sooner the problem is tackled by the parties the better chance there is for a mutually acceptable negotiated solution, which would take into account the legitimate interests of all parties and would best serve the people of Brčko.

Media

40. My Office has closely monitored the media from both entities in the pre-election period. There has been some improvement in media access, with somewhat more even-handed news reporting. However, most Republika Srpska media have continued their unwavering support of the Serbian Democratic Party (SDS), up to the exclusion of other parties. In the part of the Federation under the control of the HVO the media have been unremittingly biased towards the ruling HDZ party, and there has also been a tendency on the part of Bosnia and Herzegovina television to favour the governing Party of Democratic Action (SDA).

41. The OHR has played its part in advising and sometimes warning about inadequacies and abuses in election coverage through the OSCE Media Experts Commission (MEC). Some cases have been raised and acted upon by the MEC. In the case of some particularly flagrant abuses, I have raised these directly with political authorities.

42. The Open Broadcast Network (OBN), in which the OHR played a leading role, began operation on 7 September, broadcasting news, entertainment and election-related material. The purpose of OBN, funded by a wide variety of international donors and currently operating under the authority of the PEC in the absence of relevant legislation, is to create a strong independent television sector in Bosnia, building on existing stations and drawing on talents from both entities. The OBN signal can now be picked up in all major population centres in the country.

Return of refugees and displaced persons

43. More than half of the population of Bosnia and Herzegovina were displaced as an aim and a result of the war. More than 1 million refugees are still living outside the country and close to 1 million displaced persons remain forced to live away from their homes within the confines of Bosnia and Herzegovina. To implement the right to return to homes of origin, Annex 7 of the General Framework Agreement calls upon the parties to reverse the goals of a war characterized by campaigns of ethnic cleansing. Thus, this element of peace implementation has to be addressed by strenuous efforts.

44. Ongoing efforts in this area are being hampered by a segregationist reality on the ground. Arbitrary practices disrupting many fields relevant to a civic society, acute deficits in the rule of law, the prevailing fear of the vast majority of citizens to move out of the perceived protection in areas of own ethnic dominance, in addition to the lack of housing space and employment opportunities, still prevent return. This does not only stand against return across the IEBL, but also across the ethnic division lines within the territory of the Federation. In violation of the obligation of the parties under the Peace Agreement to create political, social and economic conditions for return, the continued blocking even of the re-establishment of telecommunications, railway and commercial bus links across the IEBL, constitutes a major deterrent to the exercise of the right to return and to economic rehabilitation.

45. The summer months have seen the return of numerous refugees and displaced persons to areas of own ethnic dominance, boosting the total number of returnees

since the signing of the Dayton Agreement to an estimated 200,000. Organized repatriation made up for only a small proportion of such return movements, which are in general individual, voluntary and spontaneous. On a small scale, so-called "minority return" is also happening, albeit to more tolerant communities, overwhelmingly in the Federation, or in the course of housing reconstruction programmes in the Zone of Separation. On the other hand, the social costs of perpetuated displacement are becoming more visible in neighbourhoods disrupted by the advent of displaced persons from other social backgrounds.

46. UNHCR, as the operational lead agency for the implementation of Annex 7, has concentrated its efforts on targeted housing reconstruction and on confidence-building measures. My Office has supported these steps, in particular within the instruments of the JCC framework. The coming months will require sustained, and even increased, international support to the housing reconstruction programmes, as well as innovative steps to promote so-called minority return, currently under consideration. The task to make return to homes of origin a reality will require a comprehensive and interdisciplinary approach within the framework of further stabilization efforts. Additional challenges, resulting from unwillingness on the part of displaced persons and refugees to return to areas in which they would constitute a minority, will also have to be addressed.

Missing persons; mass graves

47. National authorities working with representatives of the international community have proceeded with their efforts to assist the families of the missing to determine the fate of the missing and, when necessary, to retrieve and identify their mortal remains. Under the chairmanship of the International Committee of the Red Cross (ICRC), the Working Group on Missing Persons has brought representatives of the families of the missing into direct contact with the accountable authorities, thereby ensuring that the concerns of the families are heard and answers given to their requests. This is a difficult and lengthy process that is, unfortunately, proceeding slowly.

48. The Expert Group on Exhumation and Missing Persons, chaired by my Office, has been assisting the parties in their efforts to carry out exhumations and identification of mortal remains. As a result, the parties have developed a priority list of sites to be excavated. Two of the three sites of highest priority have been completely excavated and work is under way on the third site. The parties are now in the process of developing a second list of priority sites. An ante mortem database is being established as a cooperative project of the United Nations Expert on Missing Persons, ICRC, Physicians for Human Rights and the Boltzman Institute. The efforts of the parties and the international community continue, however, to be hampered by insufficient resources. The United Nations Expert on Missing Persons is continuing his fund-raising campaign to address such critical needs as demining assistance and forensic and scientific supplies and equipment.

Human rights

49. Respect for human rights and the rule of law are critical to the peace implementation process. Despite commitments to uphold the highest standards of human rights protections, all parties have consistently failed to honour this obligation. Since my last report (see S/1996/542), the human rights situation has deteriorated in several important areas. Particularly troubling has been the increase in number and extent of human rights violations committed by police and other persons in positions of authority, as well as a substantial number of violations in the context of elections, motivated by political belief rather than ethnicity.

50. At the same time, authorities have failed to take concrete steps to rectify conditions that threaten the goal of a multi-ethnic society. Harassment of ethnic minorities, including forced evictions and intimidation, continues and responsible authorities have failed to act decisively to address this problem, as evidenced, for example, by the ongoing threats to minority residents of the Sarajevo suburbs. Discrimination against ethnic minorities in the field of employment, education and access to government services is widespread, supporting the trend towards ethnic separation.

51. Crimes against the person, especially physical mistreatment of persons by the police, are on the rise. Since my last report, all too common incidents of beatings in custody have been joined by two murders, one involving apparent torture by police officials and the other brought by beating in police custody. Although increasing numbers of persons throughout Bosnia and Herzegovina have exercised their right to freedom of movement, many do so at the risk of harassment, arbitrary detention and mistreatment by local authorities near the IEBL. In the context of the elections, these problems took on new dimensions. Candidates and supporters of opposition political parties were subjected to harassment, intimidation and violent attacks in both entities. Local authorities, including police, failed to counteract these threats and sometimes were in fact the perpetrators of the abuses.

52. In the area of legal reform, neither entity has fully complied with the requirements of the Peace Agreement. While some progress has been made in bringing the Federation and Bosnia and Herzegovina amnesty laws into compliance with the Peace Agreement, initiatives undertaken by my Office and others within the international community concerning shortcomings in the Republika Srpska law on that subject have not yet yielded satisfactory results.

53. Of particular concern is the failure by the parties to address property statutes, which present a significant barrier to return of refugees and displaced persons. The parties have so far failed to fulfil their obligation to suspend enforcement of laws that have been determined to be in non-compliance with the Peace Agreement and to introduce legislative changes necessary to allow refugee return and protect property rights. Failure to take immediate action to address this fundamental issue may solidify the results of ethnic cleansing.

54. The parties must take immediate and concrete steps to implement the full range of rights afforded to all persons under the Constitution of Bosnia and Herzegovina. In particular, the parties must investigate and prosecute persons

responsible for committing human rights violations, particularly in cases with tacit or active involvement of local police or other officials. In addition, the parties must take concrete steps to eliminate discrimination against ethnic minorities and returning refugees and displaced persons, which is a necessary component in creating a functioning multi-ethnic society.

55. In this respect Sarajevo remains an object of special concern. Through the Joint Civilian Commission for Sarajevo (JCCS), my Office continued pursuing the goal of ensuring that the city retains its multicultural and multi-ethnic character. This requires improving conditions of security and access to housing and employment for all those who live in the region, including the remaining Serb population, and encouraging the return of those who left. We have initiated community dialogues to improve cooperation between groups in areas where security concerns have been especially acute. We have also initiated meetings between mayors from both entities. Local authorities agreed at the latest session of the JCCS, held on 27 August, to address unresolved problems regarding integration of Serb teachers, students and health workers into the Federation system, as well as to redouble crime prevention efforts. In addition, my Office has helped mediate efforts to reach an agreement on a new constitution for the Sarajevo canton, which, when implemented, will ensure a full measure of political participation by all groups in the community, including their representation in legislative and administrative bodies.

56. Overall, my Office, in cooperation with local actors and the international community, continues to work continuously to strengthen the institutional responses for redress of human rights violations. Ultimately, however, an improvement in the human rights climate is the responsibility of the authorities and the citizens of Bosnia and Herzegovina. In this, the political leadership is also obliged to support and foster the development of both the formal human rights institutions that were established by the Peace Agreement and Federation Constitutions, and the informal non-governmental structures that are an integral part of the development of civil society.

Detention issues and cooperation with the International Tribunal for the Former Yugoslavia

57. The effort by the international community to secure the release of persons detained in relation to the conflict as required under Annex 1A remains incomplete. Although all ICRC-registered prisoners have been released, there is evidence that the parties continue to detain an unknown number of persons arrested prior to 19 December 1995 who have not been registered by ICRC. Despite sustained pressure by my office, the parties have failed to implement the "rules of the road" agreed to in Rome on 18 February, and arrests of persons alleged by the parties to have committed war crimes continue to occur, although at a reduced level.

58. In addition, the war-time practice of exchange of detained persons continues. The risk of arrest, which is compounded by the lack of clarity on who is being sought for war crimes, substantially impedes freedom of movement.

59. Neither entity has fully complied with its obligation to cooperate with the International Tribunal. The authorities of Republika Srpska have made no effort

to fulfil their obligations to arrest persons indicted by the Tribunal as required by the Peace Agreement. While authorities of the Federation of Bosnia and Herzegovina have complied by arresting indicted persons on the territory controlled by the Bosnian Army, persons indicted by the Tribunal who reside in or visit areas under the control of the HVO have not been arrested and transferred to custody of the Tribunal as required under Security Council resolution 827 (1993).

60. Following the handing over by Radovan Karadžić of his functions of President of the Republika Srpska on 30 June, further international pressure led to his resignation from the post of Chairman of the Serb Democratic Party and effective withdrawal from public view. However, the issue of his appearance before the Tribunal in The Hague to defend himself remains open.

61. Cooperation by the Republika Srpska with the International Tribunal on more technical issues has in the meantime improved. Its authorities have agreed to serve arrest warrants on indicted persons within their jurisdiction, and exhumations by the Tribunal in the Republika Srpska have proceeded without hindrance. A Tribunal office has opened in Belgrade. While Federation authorities have generally cooperated with the Tribunal, within the last few weeks there have been troubling exceptions. Trials of suspected war criminals began in Federation courts without proper notification of the Tribunal; in one instance, a conviction occurred without the Tribunal having had any opportunity to review the case.

Economic reconstruction

62. Economic revival and long-term rebuilding of the economy remain major preconditions for peace and economic stability. Much work has already been done to restore economic infrastructure after the ravages of war and to provide a sound basis for a return to prosperity. I have continued my efforts in this task with major economic implementation agencies, namely, the World Bank, the European Commission, EBRD, the International Monetary Fund (IMF) and the International Management Group. Regular meetings on a weekly basis have been held in Sarajevo with these agencies to discuss and coordinate plans and to establish priorities.

63. Thirteen sectoral task forces have been established jointly by the European Commission and the World Bank to coordinate the donor efforts in respective fields. The task forces bring together the most important donors as well as the representatives of the beneficiaries to discuss project implementation, to identify financing gaps and to discuss sectoral development. In order to increase the efficiency of the task forces, measures have now been taken to restructure the task force format to some extent. The restructured task forces will address issues concerning policy development and increase project implementation monitoring. The task forces report to the OHR.

64. Project implementation has picked up during the last three months and relevant implementation structures have been set up. However, this mainly applies to the Federation of Bosnia and Herzegovina as the Republika Srpska has to a certain extent been overlooked by the international community and has itself tended to continue its somewhat reluctant attitude towards cooperation

with the international donor community. Some positive development has, however, taken place in the Republika Srpska as the respective authorities agreed in the summer to sign three subsidiary loan agreements with the State of Bosnia and Herzegovina on World Bank projects, thus opening the door for participation in these programmes.

65. According to the latest statistics, firm donor commitments for 1996 add up to US$ 1,520 million. The total amount under different stages of implementation is $880 million, of which $558 million has been disbursed. The Federation territory has received 82 per cent of the total assistance efforts under implementation, while 17 per cent represent activities of an inter-entity nature. Only 1 per cent of the total activities are under implementation in the Republika Srpska. Even in the Federation the assistance efforts have so far concentrated on few areas, where only two cantons and Sarajevo have received two thirds of the total. In the future this tendency must be reversed and a more balanced approach must be obtained both concerning the Federation territory and the Republika Srpska, considering the degree of damage, needs and political conditionality.

66. Within the framework of reforms that facilitate economic recovery and transition of Bosnia and Herzegovina to a market economy, I have stressed certain priority sectors such as infrastructure, employment generation and restart of production. Some positive examples can be mentioned: rehabilitation of rail tracks between Sarajevo and Ploce, rehabilitation of three principal power plants and four main transmission lines, and picking up of small-scale commerce. However, the speed of implementation has very often been slower than expected and serious financing gaps still exist in all priority areas. I strongly encourage the donor community to make good on pledges announced and to accelerate procurement activity in order to take full advantage of the remaining construction season of 1996. I would also like to point out that regrettably too often political constraints on the ground have either slowed down or totally hampered the speed of implementation, and subsequently the lack of basic infrastructure, for instance of an adequate telecommunications system, effectively prevents economic cooperation from taking place between the entities. I have made it very clear that these tendencies cannot continue.

67. Preparations for the next stage of recovery have been started. The major tasks to be addressed in the post-election phase of Bosnia and Herzegovina's economic development include, inter alia, rapid installation of State institutions, implementation of sound macroeconomic policies, adoption of a legislative framework conducive to the transition to a market economy and continuing the reconstruction efforts. The success of these efforts depends on close cooperation among the major international implementation agencies.

Mine clearance

68. Progress with the physical removal of mines remains slow, but clearance of some roads, airports, war graves and resettlement areas has been completed and more is under way. The first World Bank pilot contracts have been placed and the Republika Srpska has belatedly accepted World Bank credits.

69. Since I last reported (see S/1996/542), considerable progress has been made with organization and training. The United Nations Mine Action Centre in Sarajevo has been recruiting more international and local staff, a regional office has been established in Banja Luka, the national electronic minefield database has been installed, maps have been issued and mine-awareness training continues. To date, some 60 mine survey specialists have been trained, Norwegian Peoples Aid has trained over 120 mine clearers and EU has placed contracts for the training of a total of 200 mine survey and explosive ordnance disposal specialists. The expanded United States Government programme of training and mine clearing is under way.

70. However, much remains to be done. Lack of freedom of movement continues to restrict training and local involvement in management. Funding falls short of that required and the Federation authorities' insistence on levying some 50 per cent tax and social security charges, which they are unable to audit, on the salaries of local staff has delayed the finalization of some projects. There is also concern that after the winter period there will be a lack of mine-clearing capacity to deal with the task in 1997.

71. In order to address these problems, the Mine Clearance Task Force under the Chairmanship of the Deputy Special Representative of the United Nations Secretary-General has been restructured. This group will now oversee the activity of the United Nations Mine Action Centre and establish policy, determine priorities and seek funding for mine clearing. This Task Force will subsume the Mine Clearance Policy Group activity. It is hoped that the newly elected Government will be more ready to cooperate than has been the case to date. This will be essential if the United Nations proposal to train and equip up to 2,000 mine clearers before April 1997, and possibly employ this work force during the 1997 mine clearing season, is to become reality.

Regional stabilization

72. Implementation of the Agreement on Subregional Arms Control pursuant to Article 4 of Annex 1B of the Peace Agreement, which was signed in Florence on 14 June, has so far gone according to schedule. The baseline validation period inspections began on 18 August. To date, 25 inspections have been conducted out of the total of 96 to be carried out before the end of the validation period on 31 October. OSCE has reported some difficulties with regard to the definition of points of entry between the parties on the territory of Bosnia and Herzegovina, which have somewhat disrupted initial planning. Otherwise, the inspections have gone on unhindered.

73. The parties have notified their reduction liabilities and are expected to start their reductions of stockpiles of armaments covered by the above Agreement by mid-October. OSCE is providing assistance to the parties in the implementation of their obligations.

74. The OSCE Special Representative, who is to assist the parties by helping organize and conduct negotiations on regional arms control envisaged in Article 5 of Annex 1B, is expected to be appointed by the time of the OSCE summit in early December, thus opening the way for substantial negotiations between the Parties concerned.

IV. COOPERATION WITH THE IMPLEMENTATION FORCE

75. Relations with the North Atlantic Treaty Organization (NATO)-led Implementation Force (IFOR) have continued to be most constructive. During this phase, military support to civilian agencies has increased. This contribution has been vital to progress in most aspects of civilian activity and the support to the OSCE election management has been essential and extensive. Without this support the elections could not have taken place. Procedures for the emergency protection of civilians have been refined.

76. At the strategic level, I have maintained close contact with the NATO Secretary-General, Mr. Javier Solana, and the Supreme Allied Commander in Europe, General George Joulwan. I am currently discussing support during the critical post-election phase and have written to Mr. Solana on this subject.

77. In theatre, the change of IFOR commander in July was executed without impact on civilian implementation. I wish to record my sincere appreciation for the excellent support I received from Admiral Leighton Smith during a challenging time for both of us. I am pleased that this level of support has been maintained by Admiral Joseph Lopez during his time in command.

78. The delay to the municipal elections will place additional, unexpected demands on IFOR. We are working together closely to establish what support is required and possible.

V. LOOKING FORWARD

79. As I have stressed in my previous two reports, the fourth phase of peace implementation this year after the elections is the most difficult and the most decisive for the future. It is now that we have the possibility of starting to bring the country back together again.

80. The election campaigns of the different political parties have confirmed how all of them are continuing to pursue their original long-term national aims, thus underlining the fragility of the peace process in the months and years ahead. Nationalist issues - both offensive and defensive - were at the forefront of the campaigns of the major parties, while the pressing economic and social issues of the country were sorely neglected.

81. The election results have demonstrated once more the dominant role of the nationalist parties in all of the three ethnic communities in the country, thus repeating the experience of the November 1990 elections. Although conditions for these elections, especially concerning the media, were very far from perfect, I believe that this election result does represent the mood of the different parts of the country. These were elections dominated much more by fears coming out of the past than by hopes that should be generated by the future.

82. The elections were the prerequisite for the full implementation of the new Constitution, primarily the establishment of common institutions. The future of the peace process will be determined by the success or failure in the setting up

of these elaborate power-sharing arrangements. It is only by creating structures with which all of the country will be able to identify that the long-term viability and stability of the country can be secured.

83. As I have noted in previous reports, the forces of ethnic separation are still stronger than the forces of ethnic reintegration. Although movements across the Inter-Entity Boundary Line are increasing and we are trying to facilitate the development of a network of links between the entities in all spheres of social, economic and political life, true signs of ethnic reconciliation are still sorely missing. Bosnia and Herzegovina is still a country divided into three to a very large extent separate ethnic communities.

84. The power-sharing arrangements must be fair to each and every one at the same time as they must ensure the effective governance of the country. The Constitution calls for a united, but not a unitary country, based on a unique degree of decentralization of powers of the two entities - the Federation and the Republika Srpska. The common institutions of the country require a high degree of consensus in order to be able to work efficiently.

85. The constitutional implementation issues will dominate the coming weeks. The Presidency has started at its first meeting to discuss the setting up of the new Council of Ministers, with the aim of completing this before 30 October. It will take at least as long to get both Chambers of the Parliamentary Assembly ready to start to address all the issues that must be urgently addressed.

86. My Office is preparing a package of interim and immediate measures we believe the common institutions must start to address as soon as they are able to commence operation. This is also a time when it will be possible to embark on discussions with the new common institutions on reconstruction assistance for the coming years, thus paving the way for the holding of a new donors' conference in the beginning of 1997.

87. The coming months must also see a resolution of the issue of the IEBL in the Brčko area. Although the Arbitration Tribunal has been set up, the political divisions over the issue have severely hampered its work. I have encouraged the President of the Tribunal to move forward towards a decision by the Tribunal during the autumn in order to make implementation possible before the arrival of winter in the area. Such a decision must be based on the principles of the Peace Agreement and take into account the fundamental geostrategic interests of the parties in the area.

88. The Provisional Election Commission has indicated that municipal elections might be held during the month of November. These will be important in determining the structure of local power across the country. IFOR has declared its readiness to give these elections its security support in the same way as for the 14 September elections. A final decision on the timing of the municipal elections is pending.

89. During the coming weeks the discussion on the future international support that must be given to Bosnia and Herzegovina is bound to intensify. From my perspective, I would like to stress the need for as early and as firm decisions

on these issues as possible, since this would contribute to the political processes now under way in the country as well as in the two entities.

90. An agreement has been secured on having new national, entity, cantonal and local elections in all of Bosnia and Herzegovina in September 1998 and in my view we must look at the period between now and then as a consolidation period for the peace process, during which we must be prepared to assist the common institutions of the country in gradually carrying the process forward. If the consolidation period is successful, the September 1998 elections should be dominated more by hopes for the future than by fears from the past.

91. I believe that the goals of the ambitious Peace Agreement can gradually be achieved, but I am firmly convinced that this will not happened without a continued commitment of support and help from the international community during these two years. A security presence is an unavoidable part of this commitment, since only this can take away the fear of a conflict restarting that otherwise will seriously impair the political, economic and social process of healing and reconciliation.

92. The war crimes issue will become increasingly important during the coming period, since any true and lasting reconciliation must be based on bringing to justice those responsible for the atrocities of the war.

93. A consolidation period for Bosnia and Herzegovina during the next two years cannot be seen in isolation from developments in the region as a whole. There is a very close interaction between its different parts, and it is my conviction that only a process of integration and cooperation in the region as a whole can create an environment in which a stable and united Bosnia and Herzegovina can develop on its own.

94. Although the normalization of relations between the Federal Republic of Yugoslavia and Croatia represents a most important positive step, other issues remain to be solved. The reintegration of Eastern Slavonia into Croatia must not cause a new wave of refugees, at the same time as there is a need for more rapid progress on refugee return to the Krajina areas of Croatia. Failure to address these issues constructively could have a destabilizing effect also on Bosnia.

95. The peace process in Bosnia has now entered its most critical phase. What is at stake during the weeks and months ahead is not the question of war and peace in the short term, but the question of continued partition or gradual reintegration. But without a gradual reintegration of the country, the threat of a renewed conflict will always be there and the peace process will remain extremely fragile.

ATTACHMENT I

Preliminary statement dated 16 September 1996 by the Coordinator for International Monitoring on the elections in Bosnia and Herzegovina

1. In accordance with Article III.2 (e) of Annex 3 of the General Framework Agreement for Peace signed at Dayton and based on the decisions taken by the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) in Budapest on 7 and 8 December 1995, the Chairman-in-Office of OSCE, the Foreign Minister of Switzerland, Flavio Cotti, on 7 March 1996 appointed Eduard van Thijn of the Netherlands as the Coordinator for International Monitoring (CIM) of the elections in Bosnia and Herzegovina. The mandate given to Mr. van Thijn asked for an assessment of the entire election cycle.

2. The aim of the CIM's mission has been to arrive at a conclusion as to whether the election process has fulfilled the election-related commitments of the OSCE Copenhagen Document 1990 (which were annexed to the Dayton Peace Accord) and the legal framework and regulations established to govern the election process in accordance with the Dayton Peace Accord.

3. Assisting the CIM in monitoring the election process has been a small staff that arrived in Sarajevo from late April onwards and 25 long-term observers who were deployed in July.

4. Almost 1,000 international observers provided a broad presence throughout the country on election day. Sixty-five of them monitored the out-of-country voting in 23 countries. Short-term observers were contributed by 24 OSCE participating States, 2 partner States for cooperation with OSCE, 2 non-OSCE participating States, intergovernmental organizations, non-governmental organizations and local embassies. They were deployed in teams of two and recorded their findings from nearly 3,000 polling stations. This is a substantial and wide-ranging sample, which enables the CIM to make a comprehensive report on the election day proceedings. All international observers were permitted to undertake their duties with the assistance of the election authorities at all levels.

5. The detailed results of the observation are tabulated in the statistical report produced by the CIM Statistical Unit.

I. CONTEXT OF THE ELECTION

6. The CIM recognizes the unique complexity of this election in a post-war environment, in which the election process is intertwined with a conflict-resolution process. It is therefore difficult to assess the election process in Bosnia and Herzegovina, after four years of war, in accordance with the term 'free and fair' as it is usually understood.

7. The criteria as expressed in the OSCE Copenhagen commitments (attached as an enclosure) and the Dayton Peace Agreement remain the only relevant yardstick.

Yet the election must also be considered in a conflict-solving capacity. Whether the election leads to integration or disintegration will only become clear as immediate events unfold.

8. Within the context of the election in Bosnia and Herzegovina, several of the OSCE Copenhagen commitments were only partially met. In particular, commitment 7.6, which ensures the right to establish in full freedom political parties and provide them with the necessary legal guarantee to enable them to compete with each other on a basis of equal treatment before the law and by the authorities, commitment 7.7, which ensures political campaigning to be conducted in a fair and free atmosphere, and commitment 7.8, which ensures unimpeded access to the media, were not fully met.

9. The Dayton Peace Agreement outlines the following five basic conditions, which were only fulfilled to varying degrees: a politically neutral environment, the right to vote in secret without fear or intimidation, freedom of expression and of the press, freedom of association (including of political parties) and freedom of movement.

II. TECHNICAL EVALUATION

10. It is unusual to conduct four simultaneous elections on the same day, particularly under the logistical and security constraints that exist in Bosnia and Herzegovina. However, observers reported that almost all polling stations throughout Bosnia and Herzegovina were run very well on 14 September. Observers reported that voting was conducted properly at 97 per cent of polling stations. Overall, the polling station committees conducted their work in a professional and impartial manner. The CIM pays tribute to the dedication and impartiality of polling station staff.

11. The CIM also places on record his recognition of the achievement of the OSCE election administration in ensuring the training of these staff and the correct provision of materials to polling stations which required a very difficult logistical exercise.

12. The CIM wishes however to place on record three major areas of the election process in which significant problems occurred.

A. Registration

13. The CIM has already expressed his serious reservations regarding the voter registration list in his statement of 9 August.

14. Problems with the registration process in the pre-election period resulted from manipulation of the voter registration process, which undoubtedly jeopardized the integrity of the list. In particular the pressure on displaced persons to vote in 'strategic municipalities' should be considered as a violation of the spirit of Dayton, and in some cases (as notably in Doboj) as unacceptable in any circumstances. However, the most severe effects of the manipulation were diffused with the postponement of municipal elections.

15. The establishment of a thoroughly revised and current voter register which instilled the necessary confidence that all qualified voters could vote once and only once would have greatly facilitated the integrity of the process.

16. Further problems with the registration of voters became clear on the day of elections. Thousands of people found themselves unable to vote because they were not entered on the final voters' list. This problem was made worse by the fact that the election regulations stated that the primary indicator for finding a voter on the register would be the ID number, but the voters' list itself was actually printed in order of date of birth.

B. Absentee polling stations

17. Throughout Bosnia and Herzegovina observers reported large crowds seeking to vote at absentee polling stations. While the security arrangements in ordinary polling stations were generally satisfactory, significant problems of crowd control and voter safety occurred at some absentee stations and polling had to be suspended for a period or extended. The total number of absentee polling stations was clearly insufficient. In addition, there were a number of cases where not enough ballot papers and materials were available in absentee stations.

C. Freedom of movement

18. Freedom of movement, and in particular access to polling by voters returning to vote in the area where they lived in 1991 or 1992 before the conflict and from which they have been displaced, has been a major issue of concern. This freedom of movement is a crucial and essential factor given the conflict solving nature of these elections. Article 8 of the Election Rules and Regulations states:

> "Every effort will be made by OSCE and the other international organizations concerned to facilitate the return of citizens to the municipality where they were registered in 1991 to vote in person."

19. On election day, despite elaborate planning, article 8 was not followed in practice. The climate had not been established in which these voters could cross the Inter-Entity Boundary Line (IEBL) without fear of intimidation or their personal safety. It was decided that the safety of voters crossing the IEBL could only be ensured by their travelling in buses along 19 designated routes regularly patrolled by security forces. Voters choosing not to ride in these buses were informed that their safety could not be guaranteed.

20. Only a limited number of voters crossed the IEBL on the day. The question must be raised as to why this was the case. While it is difficult to establish the exact reasons, the primary factor appears to have been an increase in the fear of voters since they took the decision to vote in this way (rather than as absentee voters) when registering in July. Other possible factors could include a lessening of interest after the postponement of the municipal elections, lack of information about the transportation arrangements and the realization that

voters would not be allowed to visit the homes in which they resided before the conflict. The small number of voters who crossed the IEBL is an indicator that the Dayton principle of freedom of movement has not been met, and thus points to a disintegrative trend.

III. ISSUES PRIOR TO POLLING DAY

A. Out-of-country voting

21. The out-of-country voting required significant logistical preparations, which were not assisted by the various delays in their commencement. The out-of-country voting was observed in 23 countries by 65 observers.

22. This effort was coordinated by Michael Meadowcroft. His report to the CIM shows that there were some problems, the most significant of which were the issue of wrong ballots, confusion surrounding Form II and the postponement of municipal voting, lack of information on the balloting process and about the candidates and competing parties, postal delays and errors in the packing and delivery of envelopes.

23. These problems were particularly evident in the Federal Republic of Yugoslavia. However, despite these problems, the overall conclusion of the observers is that the out-of-country voting worked reasonably well and was free of any significant manipulation.

B. The campaign

24. The observation findings during the campaign reflect an inconsistent and geographically divergent picture of the environment in which the campaign and political debate have taken place. In some areas events took place that seriously impeded the right to campaign: examples of employment-related intimidation, organized violence towards party activists and disruption of party meetings were all substantiated. In other areas, a meaningful campaign took place in which parties were able to convey their message to the electorate in a relatively peaceful environment, particularly in the last two weeks of the campaign. In most areas, considerable improvements became evident in the run-up to the elections. In particular, rallies took place in a more open atmosphere.

25. The CIM was very concerned that the theme of the election campaign on the part of some parties and candidates ran contrary to the spirit of Dayton. The systematic delivery of secessionist messages during the campaign in the Republika Srpska was one of the strongest elements of the campaign of the Serbian Democratic Party (SDS), and of other parties in the Republika Srpska, during the pre-electoral period. In fact, these statements form a heavy mortgage on the functioning of the governing structures of Bosnia and Herzegovina, and may therefore threaten the constitutional arrangements in Dayton and the spirit of 7.9 of the Copenhagen commitments. The Election Appeals Subcommission has reviewed several cases, including SDS statements during the election campaign.

26. It is clear that the participation of certain parties throughout the campaign, especially the SDS, has not been made in the spirit of Dayton. The CIM requests the Head of the OSCE Mission, as Chairman of the Provisional Election Commission (PEC), to verify before certification that all necessary (legal) steps have been taken to ensure that the sovereignty and territorial integrity of Bosnia and Herzegovina is upheld.

27. The CIM is concerned that essentially separate campaigns with very different messages and debates took place in the two entities. Although the amount of active campaigning that took place across the IEBL was very limited, those parties which did campaign across the Line for a multi-ethnic, open and democratic society deserve our admiration.

C. The media

28. The OSCE Copenhagen commitments call for unimpeded access to the media on a non-discriminatory basis. A democratic election process is founded upon the electorate being able to make informed choices.

29. The media should be evaluated by its degree of independence in informing the electorate about the candidates and the issues. Concern arises from the fact that the official media was influenced by the existing power structures. This problem was most serious in the Republika Srpska and the Croat-controlled parts of the Federation. The existence of independent networks in some areas allowed to some extent for an alternative to the official, authority-influenced media.

30. As a result of obstruction on the part of authorities, TVIN did not have a significant impact on the campaign: it only went on the air one week before polling day. However, Free Elections Radio Network (FERN) sponsored by the Government of Switzerland did contribute to the campaign debate after initial difficulties with broadcasting in Republika Srpska.

31. Despite serious concerns regarding access to the media, television and radio became somewhat more accessible to parties and independent candidates during the latter stages of the campaign. However, the establishment of an independent regulatory body, with the ability to impose sanctions, is of crucial importance for future elections to be meaningful.

IV. COUNT AND APPEALS PROCESS

32. The CIM continues to monitor the counting process and the hearing of all complaints and appeals, which are both essential and integral parts of the complete election process. The CIM will elaborate on his observations in his final report.

V. CONCLUSION

33. This is a preliminary report. It indicates that the elections technically went well, subject to the satisfactory completion of the count and the appeals process. However, the general climate in which the elections took place was in some cases below the minimum standards of the OSCE Copenhagen commitments.

34. The CIM believes that these elections are at best a first step out of the period of deep and violent conflict towards the aspiration of a democratic future for Bosnia and Herzegovina. The process of establishing freedom and democracy in Bosnia and Herzegovina, and political institutions that can uphold these principles, will be a long and arduous process. Nonetheless, a large number of citizens of Bosnia and Herzegovina turned out on 14 September to cast a ballot for their future, and many did so under very difficult circumstances.

35. Even in the context of a conflict-resolution election, the CIM notes his concern that significant elements of the climate of the pre-election period may point towards disintegration and an unsatisfactory resolution of the conflict. The problems associated with the campaign, freedom of movement and other issues referred to above should not be understated. But given these shortcomings, there was no pattern of recurring infractions or organizational incompetence that seriously compromised election day.

36. The CIM emphasizes that these elections, although characterized by imperfections, took place in such a way that they provide a first and cautious step for the democratic functioning of the governing structures of Bosnia and Herzegovina. A true and continuing commitment to the democratic process will need to be made in order for Bosnia and Herzegovina to face the difficult times and decisions that still lie ahead.

37. It is the view of the CIM that the international community, having started its support for this process, should face up to the longer-term responsibility of helping to see it through. In this context, the CIM would like to draw attention to OSCE commitment 7.9, which requires that candidates who obtain the necessary number of votes required by law are duly installed in office.

38. The CIM anticipates that this statement will be fully considered before the municipal elections take place. Until the problems affecting the integrity of the elections have been addressed and solved, these elections should not be held.

39. In conclusion, the CIM expresses his strong hope that the democratic institutions elected on 14 September will take root and grow, and that the next elections in two years' time will take place under much more favourable conditions.

ENCLOSURE

Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990

Paragraphs 7 and 8 read as follows:

"7. To ensure that the will of the people serves as the basis of the authority of government, the participating States will:

"(a) Hold free elections at reasonable intervals, as established by law;

"(b) Permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

"(c) Guarantee universal and equal suffrage to adult citizens;

"(d) Ensure that votes are cast by secret ballot or by equivalent free voting procedure and that they are counted and reported honestly with the official results made public;

"(e) Respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

"(f) Respect the right of individuals and groups to establish, in full freedom, their own political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

"(g) Ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

"(h) Provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

"(i) Ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

"8. The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other of the Conference on Security and Cooperation in Europe participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings."

ATTACHMENT II

Second statement dated 24 September 1996 by the Coordinator for International Monitoring on the elections in Bosnia and Herzegovina

1. It was indicated in the preliminary statement issued by the CIM on 16 September that the election day went technically well, but that the general climate in which the elections took place was in some cases below the minimum standards of the OSCE Copenhagen Commitments. The problems associated with registration, the media, the campaign, and freedom of movement were assessed as serious shortcomings to the overall process, though there was no pattern of recurring infractions or organizational incompetence that seriously compromised election day. The CIM emphasized that the elections, although characterized by imperfections, took place in such a way that they provide a first and cautious step for the democratic functioning of the governing structures of Bosnia and Herzegovina. In this context, however, the report drew special attention to the functioning of the common institutions and the need to ensure before certification the strict adherence to the constitutional arrangements agreed in Dayton and the spirit of 7.9 of the Copenhagen Commitments, requiring that candidates who obtain the necessary number of votes required by law are duly installed in office, and are permitted to remain in office until their term expires.

2. This second statement of the CIM is based on further analysis of more than 4,000 forms and reports on election day, handed in by the long- and short-term observers, and the preliminary observations of approximately 60 observers covering the counting and appeals process, which are both essential and integral parts of the complete election cycle.

3. The analysis confirms and substantiates the basis for all the preliminary conclusions, made in the statement of the CIM on 16 September.

4. The CIM holds that the complex counting process is characterized by slowness, confusion, imperfections and serious problems in some individual cases. At this stage, the CIM's view is that these imperfections and irregularities are not of sufficient magnitude to affect the overall outcome of the elections.

5. The CIM wishes to elaborate upon his preliminary statement, make some preliminary observations of the counting and appeals process, and formulate some recommendations for the municipal elections.

I. ELECTION DAY

6. On the basis of all observation forms received from nearly all opstinas, the figure of 97 per cent of polling stations where the voting process was conducted properly, is confirmed. The evaluation and conclusions of the CIM for election day are therefore substantiated on the basis of a more representative

sample. A final statistical analysis of the observations on election day, including a regional profile, can be found in enclosure II.

7. The over 4,000 reports confirm that there were significant difficulties with the voters' list and an insufficient number of absentee polling stations. Displaced persons and refugees in particular were confronted with the problems reported on election day.

8. This can be illustrated with the following observations. The insufficient number of absentee polling stations caused in some areas long queues, confusion and additional crowd control problems. Voters crossing the Inter-Entity Boundary Line (IEBL) in buses did not have access to the local election committees and could not resolve the difficulties with the final voters' lists. The Electoral Appeals Subcommission concludes that, although these violations were not of a scale to affect the results of any of the 14 September elections, they would, it repeated, very likely affect the municipal elections.

9. The CIM therefore recommends that these deficiencies be remedied before the municipal elections as a matter of urgency.

10. The CIM also reiterates his observation that Article 8 of the Provisional Election Commission (PEC) Rules and Regulations was not followed in practice. a/ Observers confirmed the extremely limited number of voters crossing the IEBL, which cast a shadow over a voting day without major incidents.

11. In preparation of the municipal elections all necessary efforts will have to be made by the authorities, OSCE and the other international organizations concerned to facilitate the return of citizens to the municipality where they were registered in 1991 to vote in person. This includes adequate international presence and security guarantees, and the generation of a climate in which the voters can cross the IEBL without fear of intimidation of their personal safety. Only under these circumstances can the municipal elections be held successfully.

12. The preliminary statement of the CIM referred to some possible reasons for the lack of movement across the IEBL on election day. The CIM concludes that whatever the motivations might have been, the Dayton principle of freedom of movement was only met to a limited degree.

II. THE COUNTING PROCESS

13. The counting process was observed by approximately 60 observers and long-term staff members. The observers report that the counting process was carried out properly in the majority of counting centres, where procedures were followed in a secure manner, and figures for results were recorded accurately. These positive observations are in part overshadowed by reports of several problems and serious irregularities in some counting centres.

14. The CIM is concerned with the decision to publicly announce provisional results at an early moment. This seemed more inspired by extra-electoral reasons than by the respect for proper procedures. Moreover, the reconciliation

process is characterized by delays and confusion, and this easily jeopardizes the public credibility of the counting process.

15. Observers have reported a substantial amount of minor problems, related to the slowness of the counting process (especially in the Republika Srpska, owing to counting interruption on Sunday) and confusion in the warehouse (especially in the earlier stages) and the tabulation centre.

16. A relatively limited number of reports indicated that sufficient security arrangements were lacking and that some counting centre staff were not adequately trained.

17. Serious violations were reported in a number of cases. In Velika Kladusa, Mrkonjic Grad and Koton Vares ballots cast for opposition parties were spoiled. Violations in a polling station in Kozluk and in one of the military voting stations were so severe that the Election Appeals Subcommission (EASC) recommend that the results from these polling stations be annulled. Such cases illustrate the lack of democratic spirit in some parts of the country.

18. The CIM is concerned with the serious nature of these irregularities and the relatively high number of invalid ballots. While it is difficult to establish all the exact reasons, lack of voter education, political motivations (especially of those who voted across the IEBL), and sometimes deliberate spoiling of valid ballots seem to have played a role.

19. The CIM also remains concerned with a potential counting problem related to the voting register. In his first statement, the CIM referred to the urgent need for the establishment of a thoroughly revised and current voter register, which instils the necessary confidence that all qualified voters could vote once and only once. The theoretical possibility of double voting by refugees could have had consequences for the integrity of the count especially in lower-level elections if specific cases can be substantiated. No reports of this type of irregularity were reported to the CIM. However, the CIM is not in a position to exclude the possibility of double voting completely. The CIM recognizes the decision on this matter by the EASC.

20. The CIM reiterates his recommendation for a revised voter register in order to exclude any suspicion of double voting in the future.

III. THE APPEALS PROCESS

21. A considerable amount of count-related complaints and appeals are adjudicated by the EASC.

22. The CIM has reviewed the count-related appeals to the EASC and overall supports the judgements made. The CIM underlines the importance of the rulings on the freedom of movement and the double voting issues as already referred to, and stresses the need to respect the important implications of the rulings for the timing of the municipal elections.

23. Before election day, the EASC issued 54 decisions, of which 2 were interim judgements, and 7 advisory opinions. Sixty-four per cent of the submitted complaints/appeals were dismissed/denied by the EASC. The number of cases related to the campaign was the largest, nine of which were related to violence. The number of registration-related cases was also substantial. The EASC rulings confirm the critical analysis by the CIM regarding these elements of the electoral process.

24. The CIM evaluates positively the transparent and relatively simple EASC procedures for lodging complaints, and recommends greater emphasis on voter education regarding these procedures for the municipal elections.

25. The CIM considers that the appeals mechanism to be installed for future elections in Bosnia and Herzegovina could gain further credibility by strengthening its activities in terms of scope and effectiveness in ensuring the respect of electoral rules and regulations and by ensuring a larger degree of autonomy from other bodies responsible for the organization of the elections, including the election commission.

IV. OBSERVATION OF RESULTS

26. The CIM evaluated the context of these elections critically in his first statement. Fear and need for security were the driving factors in the pre-electoral period. The people of Bosnia and Herzegovina have thus far had limited opportunities to think and act freely and differently, to travel and associate without fear, to hear and reflect upon different points of view.

27. The democratic nature of multi-party elections is related to the extent to which a multitude of viewpoints is expressed in the newly elected bodies. Pluralism is the essence of democracy. The amount of pluralism during the electoral cycle was less than could be expected under a system of proportional representation. Pluralism includes a serious role for opposition parties, which may never be marginalized.

28. The further development of Bosnia and Herzegovina in terms of conflict resolution and democracy building will have to ensure that the very thin space available at present for tolerance of all viewpoints is widened and extended to all governing bodies of Bosnia and Herzegovina.

V. CONSTITUTIONAL ARRANGEMENTS AGREED IN DAYTON AND COPENHAGEN COMMITMENT 7.9

29. The CIM reiterates his concern that the conduct of certain parties, particularly the SDS, throughout the campaign, has not been made in the spirit of Dayton.

30. The two entities of Bosnia and Herzegovina are bound by the constitutional arrangements agreed to in Dayton. These arrangements include the sovereignty and territorial integrity of Bosnia and Herzegovina. However, the bodies to be elected from the Republika Srpska are also functioning in the framework of the

constitution of the Republika Srpska. In the political campaign context described above, and taking into account the arduous process of adaptation of the Republika Srpska Constitution, certification of the elections and instalment office of elected persons (Copenhagen commitment 7.9) can logically only take place if the Constitution of the Republika Srpska is adapted. This adaptation should correspond to all the clauses related to the respect for the sovereignty and territorial integrity of Bosnia and Herzegovina agreed to in Dayton. The preparation of the aftermath of the elections is a prerequisite for the successful outcome of the elections itself and thus requires much more attention, as is illustrated by the recent problems regarding the preparation of the meeting of the three members of the Presidency of Bosnia and Herzegovina.

31. In that context, the CIM reiterates his request to the Head of the OSCE Mission, as Chairman of the PEC, to address this issue before certification.

VI. MUNICIPAL ELECTIONS

32. The CIM underlines that elections do not involve only one day and are not held for their own sake. They are part of a long-term process, which aims at reconciliation and a democratic society as stipulated in the Dayton Peace Agreement. In order to achieve those goals, the elections must be perceived by the people of Bosnia and Herzegovina as part of a wider process of genuine democratic change, involving rule of law and the construction of civil society.

33. The municipal elections will be the next test. The date of these elections should be dependent on the fulfilment of the basic technical and political criteria and conditions, mentioned in the different statements of the CIM, laid out in the Dayton Agreement and specified in the decision of the PEC to postpone the municipal elections. A good preparation cannot and should not happen overnight. The necessary conditions cannot be met in this calendar year.

34. All long-term observers of the office of the CIM, without exception, have reported that the situation on the ground does not allow for municipal elections to be held in November.

35. The CIM has already underlined the need for a thorough and structural re-evaluation of the registration process. Furthermore, it is essential that an updated voters' list is produced, and a climate is generated in which the voters feel confident and secure to cross the IEBL. This requires a commitment from all the political actors in Bosnia and Herzegovina, as well as maximum security guarantees and presence of the international community for a substantial tir to come.

36. At this stage, no clarity exists as to the Copenhagen commitment 7.9 with regard to the municipal elections. The CIM considers it not acceptable that municipal elections are organized under these circumstances in which neither de facto nor de jure instalment of elected representatives in office can be assured.

37. Municipal elections should be preceded by a comprehensive and independent voter education programme, covering both urban and rural areas and informing the

electorate of their political rights and explaining the election procedures. Furthermore, it is essential that lessons learned from the experience of the Mostar and 14 September elections are taken into account.

38. The elements mentioned above must be taken into account in order for the upcoming municipal elections to be a positive step in the political and democratic development of Bosnia and Herzegovina.

Notes

a/ Article 8. Every effort will be made by OSCE and the other organizations concerned to facilitate the return of citizens to the municipality where they were registered in 1991 to vote in person.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/815
1 October 1996
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and reaffirming, in particular, its resolution 1022 (1995) of 22 November 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Expressing its appreciation to the High Representative, the Commander and personnel of the multinational implementation force, personnel of the United Nations and the Organization for Security and Cooperation in Europe, as well as other international personnel in Bosnia and Herzegovina for their contributions to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement, S/1995/999, annex),

Welcoming the progress in the implementation of the Peace Agreement,

Welcoming also the process of mutual recognition and stressing the importance of full normalization of relations, including the establishment of diplomatic relations, among all successor States to the former Socialist Federal Republic of Yugoslavia,

Noting with satisfaction that the elections called for in annex 3 to the Peace Agreement have taken place in Bosnia and Herzegovina,

Underlining the need for full cooperation by States and entities with the International Tribunal for the former Yugoslavia, which constitutes an essential aspect of implementing the Peace Agreement,

Reminding the parties of the relationship between the fulfilment by them of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development,

Acting under Chapter VII of the Charter of the United Nations,

1. Notes with satisfaction that the elections called for in annex 3 to the Peace Agreement that took place on 14 September 1996 in Bosnia and Herzegovina, and notes that their holding constituted an essential step towards achieving the objectives of the Peace Agreement;

2. Decides, in accordance with paragraph 4 of its resolution 1022 (1995), to terminate, with immediate effect, the measures referred to in paragraph 1 of that resolution;

3. Calls upon all parties to comply strictly with all their commitments under the Peace Agreement;

4. Decides to keep the situation under close review taking into account the reports submitted pursuant to paragraphs 25 and 32 of its resolution 1031 (1995) of 15 December 1995 and any recommendations those reports might include;

5. Further decides to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

6. Further decides to dissolve the Committee established by its resolution 724 (1991) of 15 December 1991 once its report has been finalized and expresses its gratitude for the work of the Committee;

7. Decides to remain seized of the matter.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/816
1 October 1996

ORIGINAL: ENGLISH

LETTER DATED 27 SEPTEMBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1053 (1996) of 23 April 1996, by which the Security Council requested me to maintain the International Commission of Inquiry (Rwanda) and to submit a report on its activities by 1 October 1996. As members of the Council are aware, the Commission has been investigating reports of arms flows to the former Rwandan government forces and allegations that those forces are receiving military training in order to destabilize Rwanda, in violation of the relevant Security Council resolutions.

Following the adoption of resolution 1053 (1996), I approached the Governments of Rwanda, Uganda, the United Republic of Tanzania and Zaire to ascertain their readiness to receive the International Commission of Inquiry. On the basis of these approaches, and in consultation with the Chairman of the Commission, it was then decided to reconvene the Commission, which returned to its administrative base at Nairobi on 12 July. After resuming its contacts with government and other sources of information in Kenya, the Commission proceeded to Rwanda from 24 to 29 July, where it met with the Vice-President and other senior officials of the Government and armed forces.

From 11 to 17 August, the Commission visited the United Republic of Tanzania and met with the Prime Minister and other senior government officials. The Commission was also authorized to visit Rwandan refugee camps in Tanzania from 28 to 30 August. The Chairman and two members of the Commission subsequently visited South Africa from 1 to 7 September, where they met with the Minister for Foreign Affairs and other officials with information relevant to the Commission's inquiries. During the week of 16 September, the Commission visited Uganda, where it met with two Deputy Prime Ministers and other senior officials.

In pursuing the lines of inquiry that it has opened, the Commission has also contacted several other Governments, as well as the Security Council Committee established pursuant to resolution 918 (1994), the International Tribunal for Rwanda, Amnesty International and Human Rights Watch. In particular, the Commission has been inquiring into fresh allegations that the former Rwandan government forces and the Interahamwe militia are continuing to

receive military training in order to destabilize Rwanda and that they are expanding and diversifying their methods of fund raising to buy arms for use against Rwanda.

The Commission has received a large volume of information and detailed allegations from many sources, including government officials. The Commission is currently reviewing and analysing this data, while awaiting replies from the Governments it has contacted with specific questions concerning apparent breaches of the arms embargo. The Chairman of the Commission has therefore asked me for additional time in which to complete this work and prepare a report on the outcome and conclusions of his current investigations.

Accordingly, I intend, subject to the Council's concurrence, to request the Commission to submit to me a comprehensive report on its activities by 31 October 1996, which I will then make available to the Security Council.

I should be grateful if you would bring the above to the attention of the members of the Council.

(Signed) Boutros BOUTROS-GHALI

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/817
1 October 1996

ORIGINAL: ENGLISH

LETTER DATED 1 OCTOBER 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 27 September 1996 concerning the report on the activities of the International Commission of Inquiry (Rwanda) (S/1996/816) has been brought to the attention of the members of the Council. They concur with the proposal contained in your letter.

(Signed) Gerardo MARTÍNEZ BLANCO
President of the Security Council

96-25900 (E) 011096

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/818
1 October 1996

ORIGINAL: ENGLISH

LETTER DATED 1 OCTOBER 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government and with reference to letters dated 26 August 1996 (S/1996/692 and S/1996/693) and 11 September 1996 (S/1996/741) from the Permanent Representative of the United Arab Emirates to the United Nations, and the letter dated 20 September 1996 from the Chairman of the Arab Group for the month of September (S/1996/769), I have the honour to bring the following to your attention.

The Islamic Republic of Iran emphasizes its sovereignty over the Iranian islands of Abu Musa, Greater Tunb and Lesser Tunb in the Persian Gulf, and rejects any claim to the contrary. Furthermore, the measures undertaken by the islamic Republic of Iran have been in exercise of its sovereign rights and in accordance with 1971 arrangements and any claim to the contrary is without foundation.

The Islamic Republic of Iran has always pursued a policy of friendship and good-neighbourliness with all its neighbours. In this context, the Islamic Republic of Iran continues to be prepared to resolve any misunderstandings between Iran and the United Arab Emirates through bilateral dialogue and negotiations on the basis of the existing agreements.

It would be highly appreciated if the present letter were circulated as an official document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

96-25939 (E) 021096 031096

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/819
30 September 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1058 (1996)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1058 of 30 May 1996, in paragraph 4 of which the Council requested the Secretary-General to keep it regularly informed of any developments on the ground and of other circumstances affecting the mandate of the United Nations Preventive Deployment Force (UNPREDEP). In the resolution the Council further requested the Secretary-General to review the composition, strength and mandate of UNPREDEP and to report to it by 30 September 1996.

2. It will be recalled that in its resolution 1058 (1996), the Security Council had reaffirmed its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia and, recognizing that it was too early to be confident that stability had been established in the region, decided to extend the mandate of UNPREDEP for a period terminating on 30 November. The present report should be read in conjunction with my previous reports, particularly those of 23 November 1995 (S/1995/987), 30 January 1996 (S/1996/65) and 23 and 29 May 1996 (S/1996/373 and Add.1).

II. RECENT DEVELOPMENTS

3. Peace and stability in the former Yugoslav Republic of Macedonia still largely depend on the situation in the region. The most significant recent development in this regard has been the elections for the Presidency of Bosnia and Herzegovina and higher-level bodies, which were held under Organization for Security and Cooperation in Europe (OSCE) auspices on 14 September 1996. These elections represent an important milestone in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, marking the beginning of a new phase in the international community's effort to restore stability to Bosnia and Herzegovina and to the region as a whole. It is, however, evident that the sustained presence of the international community will be required in

order to ensure that the gains achieved over the past year consolidate the foundation for lasting peace and stability, both in Bosnia and Herzegovina and in the region as a whole. It is in this context that the role of UNPREDEP must be considered.

4. Since my report to the Security Council last May (S/1996/373), bilateral relations between the former Yugoslav Republic of Macedonia and its neighbours have continued to improve. The country is also upgrading its defence capabilities by signing a number of bilateral military cooperation agreements with countries outside the region.

5. Despite a number of positive factors on the domestic scene, which I described in my last report, inter-ethnic tensions continue to pose a threat to the country's social fabric, its integration and its long-term stability. A new and disturbing rise in such tensions has been generated by the ethnic Albanians' insistence upon, and the Government's consistent refusal to recognize as legal, the establishment and functioning of the Albanian-language "Tetovo University". The situation has been further aggravated by the imprisonment of some of the organizers of the University. The over-politicization of the issue on both sides has added to its complexity. Internal political, ethnic and social tensions are also bound to be exacerbated for some time by the state of the country's economy.

6. My Special Representative, in carrying out the good offices functions referred to in paragraph 12 of Security Council resolution 908 (1994) of 31 March 1994, undertakes activities aimed at contributing to the maintenance of peace and stability in the country. These activities include, inter alia, efforts to reduce the level of mistrust among the political and ethnic actors and the promotion of dialogue on questions of human rights involving ethnic communities and national minorities. In keeping with the Council's presidential statement of 22 February 1995 (S/PRST/1995/9), the UNPREDEP Mission, within its limited resources, also provides some humanitarian assistance aimed at consolidating recent gains as well as supporting national capacity-building and strengthening governmental structures. These functions are carried out in liaison with several United Nations organizations and agencies as well as with local and international non-governmental organizations.

III. COMPOSITION, STRENGTH AND MANDATE OF UNPREDEP

A. Mandate

7. The mandate of UNPREDEP is fully described in my previous reports to the Council and is derived from Security Council resolutions 795 (1992) of 11 December 1992, 842 (1993) of 18 June 1993 and 908 (1994) and the presidential statement of 22 February 1995 (S/PRST/1995/9).

B. Composition and troop strength

8. The military component of UNPREDEP consists of two mechanized infantry battalions: a 500-strong Nordic composite battalion (with troops from Denmark, Finland, Norway and Sweden) and a 500-strong United States Army task force, both supported by a heavy engineering platoon from Indonesia. The authorized military strength is 1,050 troops and 35 United Nations military observers. There are 26 civilian police monitors, and civilian personnel number 168. The international military and civilian personnel come from 49 countries.

C. Troop deployment

9. UNPREDEP has 21 observation posts (OPs) along the northern and western borders of the country. Eleven are manned by the Nordic Battalion and 10 by the United States Battalion. The Indonesian Engineering Platoon provides support to the two battalions through the construction of roads and repair of main supply routes to the OPs. United Nations Military Observers (UNMOs) observe, monitor and report on developments along the country's northern and western borders, and also patrol communities within their area of responsibility.

10. The current strength and composition of the Force provides the most effective and optimal coverage of the adverse terrain along the borders throughout the year. It also provides a reserve capacity to perform a wide range of functions including, inter alia, daily foot patrols and the manning of temporary observation posts; maintaining a self-defence capability for the OPs; holding in reserve a quick reaction force capable of handling emergencies in a timely manner; monitoring the United Nations Patrol Line; conducting cross-border meetings, border/community patrols, and, if necessary, demonstrating a 'show of force'; preserving logistical self-sufficiency for lengthy periods at the OPs, which is necessary because of adverse terrain and/or weather conditions; preparing to withdraw forces on short notice should the situation so require; and providing support for humanitarian action, as required.

IV. REVIEW OF THE STRENGTH AND MANDATE OF UNPREDEP

11. Regarding the request made by the Security Council in paragraph 4 of its resolution 1058 (1996), I have concluded that, at the present time, only two months before the expiration of the current UNPREDEP mandate, it is neither appropriate nor necessary to recommend a change in the mandate. The remaining question relates to the composition and strength of the force needed to carry out the current mandate. In this connection, I asked my Special Representative, the Force Commander and my military advisers to explore a number of options for a possible reconfiguration of UNPREDEP.

12. Of the options they considered, the least disruptive would be to revert to the infantry strength originally recommended in 1992 (S/24923), i.e., 700 all ranks (plus 50 engineers, since UNPREDEP cannot call upon engineering assets from elsewhere in the theatre). This option would entail a somewhat less comprehensive coverage of the border, a reduction of manned OPs from 21 to 16,

considerably reduced observation and reporting along the western border, a more limited reserve capacity, and an increased reliance on helicopter assets for logistical support. However, the implementation of this option would result in insignificant savings and would seriously impair UNPREDEP's ability to carry out the monitoring of the Republic's western and northern borders, one of its core functions. Given the current fluid circumstances in the country and the region, I am not inclined at this stage to recommend such a change.

13. It is the unanimous view of my Special Representative, the Force Commander and my military advisers that any reduction in troops would have a negative impact on the implementation of the mandate and weaken the capacity of the international community to assess and respond to potential threats confronting the former Yugoslav Republic of Macedonia. Any formula that allowed for a reduction in the Force would entail a scaling back of its functions in one way or another.

14. I accordingly conclude that the answer to the question initially posed in paragraph 43 of my report of 23 May 1996 (S/1996/373) is that the most effective strength and configuration of the military component of UNPREDEP is that currently authorized, and that the current mandate of UNPREDEP could not be adequately implemented with fewer resources.

V. OBSERVATIONS

15. My earlier assessments of the positive role of UNPREDEP in promoting peace and stability, both in the former Yugoslav Republic of Macedonia and in the region as a whole, remain unchanged. The compelling arguments relating to the still uncertain situation in the wider region that led the Security Council to extend the mandate of the Force for a period terminating 30 November 1996 are still valid. In a letter addressed to me on 6 August 1996, the Government of the former Yugoslav Republic of Macedonia also expressed the view that the overall situation in the region had not changed to an extent that would allow the successful conclusion of UNPREDEP's mission. It also reiterated its previous arguments in support of an extension of the UNPREDEP mandate for another six months beyond 30 November 1996. I met President Gligorov on 25 September and we reviewed the overall situation in the region. The President was most grateful to the United Nations for the priority which had been accorded to his country. He stressed the importance of preventive action and noted that UNPREDEP represented the first successful example of preventive deployment. In considering the future of UNPREDEP, the views of the Government will, of course, be given the most serious consideration.

16. Before the current mandate ends, I will present to the Security Council my recommendations regarding the future of UNPREDEP, including its mandate and the strength and composition of the Force required to implement it. My recommendation will be based on an evaluation of the general situation in the region and on an assessment of the specific threats which continue to endanger the peace and stability of the former Yugoslav Republic of Macedonia.

UNITED
NATIONS

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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1035 (1995)

I. INTRODUCTION

1. The present progress report, submitted pursuant to Security Council resolution 1035 (1995) of 21 December 1995, summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my last report of 21 June 1996 (S/1996/460). It also provides a description of the United Nations role in the elections held in Bosnia and Herzegovina on 14 September 1996.

II. ELECTIONS

2. Elections for the Presidency of Bosnia and Herzegovina and higher-level bodies were held as scheduled on 14 September 1996, under the supervision of the Organization for Security and Cooperation in Europe (OSCE). On 29 September, the Provisional Election Commission officially certified the results of the elections as specified in the Dayton Agreement. Candidates of the ruling parties in the entities, Alija Izetbegović, Momčilo Krajišnik and Kresimir Zubak, were the winners in presidential polls. Mr. Izetbegović won the largest number of votes and will chair the Bosnian Presidency.

3. According to figures compiled jointly by the United Nations International Police Task Force (IPTF) and the Implementation Force (IFOR), approximately 20,000 voters crossed in buses and private vehicles from Bosniac-controlled areas of the Federation to the Republika Srpska. Bosniac voters casting their ballots in the Republika Srpska were directed by the local police to predesignated polling places, usually some distance from places at which Serbs were voting. Approximately 1,200 voters crossed into the Federation from the Republika Srpska and an estimated 25,000 to 30,000 voters from the Federal Republic of Yugoslavia crossed the international border to vote in the Republika Srpska.

4. The number of people crossing the Inter-Entity Boundary Line (IEBL) on election day turned out to be far lower than expected. This can be attributed at least in part to the postponement of the municipal elections by OSCE, which

meant that there was less reason for Bosniacs from the Federation to cross the IEBL into the Republika Srpska to vote. As a result, security problems during the election process were fewer than had been feared.

5. In preparation for the elections, IPTF chaired a series of meetings between the Ministers of Internal Affairs of the two entities, the Office of the High Representative, IFOR and OSCE, culminating in an agreement on election security. Nineteen secure voter routes were established for individuals travelling between the two entities on election day. Plans for transportation by bus, search procedures and additional polling locations were also established. Both Ministers acknowledged that security was the responsibility of the local police and agreed that no individuals would be arrested on war crimes charges unless indicted by the International Tribunal for the Former Yugoslavia. Finally, election planning and training teams met with police at the regional and municipal level to provide human rights training and assistance with election security planning.

6. A total of 1,692 IPTF monitors and large numbers of IFOR troops supervised the movement of voters around the country in a closely coordinated security operation. Most of those crossing the IEBL did so using the recommended voter routes. However, the IEBL remained unrestricted and open to crossings at other points by individual vehicles. Thus freedom of movement was assured on election day. No major incidents or casualties were reported and voting generally proceeded in an orderly fashion. There were only two confirmed cases in which buses were stoned - one carrying Bosniacs in eastern Bosnia by Serbs and the other carrying Bosniacs in Herzegovina, presumably by Croats. However, IPTF reported that, in general, the entities' security forces acted in accordance with the guidance from IPTF and with the agreement concluded by the two Ministers.

7. The electoral campaign was marked by certain abuses of the law enforcement structures by the three ruling parties. In Serb and Croat areas, Bosniacs who tried to campaign were prevented from doing so, opposition parties were harassed, sometimes violently, and their supporters openly intimidated by local authorities and by the cadres of the ruling parties. In Bosniac areas harassment of political opponents by supporters of the ruling Bosniac party, the Party of Democratic Action (SDA), was reported on various occasions.

III. ACTIVITIES OF THE MISSION

International Police Task Force

8. As at 13 September 1996, a total of 1,697 IPTF monitors from 34 countries were deployed in 53 operational stations. Levels of cooperation between the police forces of the entities and IPTF vary significantly. At the ministerial level, cooperation has increased with the Ministers of Internal Affairs having agreed to exchange information on those detained and arrested. With the cooperation of the Ministers, IPTF has pressed for, and obtained, the removal or transfer of several key police executives from their positions because of non-compliance. These officers include, among others, the Chief and Deputy Chief of West Mostar, the Chief of Ilidža and the Chief of Bugojno. Cooperation

at the local level also varies greatly by municipality. The recent situation in Zvornik, in which local police did not protect IPTF from an angry mob reacting to the IFOR detention of other Serb police in Mahala, underlines the vulnerability of IPTF monitors in the field.

9. Progress has been made with regard to police restructuring in the Federation. The police officer selection programme is under way and testing and screening of all Federation police candidates will be completed by November 1996. In August, 25 senior Federation police executives attended an IPTF leadership training programme in Germany. In the Republika Srpska, police authorities have adopted the principles and standards of democratic policing. Detailed negotiations with the Republika Srpska authorities on plans for the vetting and training of its police officers will be held immediately after the elections. Specific proposals for police assistance projects were submitted to a donors' conference held in Dublin on 28 September 1996.

10. IPTF is conducting an assessment of the overall criminal justice system in Bosnia and Herzegovina, including courts and prosecution offices, in order to avoid duplication of effort among independent international agencies. As a first step, a meeting of all the international agencies involved in the review of the legal system, chaired by IPTF on 6 September 1996, was attended by over 25 participants. IPTF will complete its assessment in late October, following which a commissioner's guidance on the criminal justice system will be prepared.

Civil Affairs

11. Civil Affairs officers have continued with their three main tasks: providing support to IPTF; reporting on and analysing local events and trends in political activity and human rights; and making available good offices for local confidence-building and problem-solving.

12. The information provided by Civil Affairs to IPTF regional, district and station commanders has greatly assisted the international police in their understanding of local political dynamics and in establishing working relationships with key actors in the areas under their jurisdiction. IPTF commanders and Civil Affairs officers have often worked together to address potentially explosive situations at the local level, and have thereby been able to reduce the level of tension and the potential for violence. They have also cooperated with other international actors to address human rights issues that might have broader political repercussions and to explore with them ways of better pursuing such cases at a higher level with the competent authorities.

13. The detailed reporting on local political developments provided by Civil Affairs officers has enabled UNMIBH to make a valuable contribution to discussions at national and regional levels on key issues relating to the implementation of the Dayton Agreement. This information, together with reports from IPTF, has also been made available to other international actors at their request, including the Office of the High Representative, IFOR and OSCE. Civil Affairs officers have regularly briefed international visitors to their areas.

14. On several occasions, Civil Affairs officers have made use of their contacts to facilitate meetings between members of different communities and to

assist community leaders to travel across the IEBL. They also act as focal points for the dissemination of information to local authorities on the programmes and activities of international organizations working in the country. In coordination with the Office of the High Representative, Civil Affairs officers have also made available their good offices to facilitate the establishment of local governing bodies on the Federation side.

Mine Action Centre

15. The United Nations Mine Action Centre (UNMAC) is now fully operational. The international staff consist of seven United Nations staff members and two experts on loan from a donor Government. By 30 September 1996, the UNMAC will have three regional offices in Mostar, Banja Luka and Tuzla. An additional office in Bihać is planned.

16. While the overall goal of the UNMAC programme remains the elimination of the risks posed to the civilian population by mines and unexploded ordnance, the immediate goal is to develop the capacity to address priority tasks, so that refugees and displaced persons can return to their homes and reconstruction projects can be rapidly implemented. To achieve those goals, a mine-action plan has been prepared for discussion with the Government of Bosnia and Herzegovina and interested donors. Some elements of the plan have already been initiated within the programmes of donors (the European Commission, the United States of America and the World Bank) and non-governmental organizations (Norwegian People's Aid). Several of these programmes have, however, been delayed by negotiations with the Government over project agreements and exemptions from taxation. With the imminent arrival of winter, a major effort is under way to carry out numerous essential small mine-clearance tasks in support of humanitarian activities. Planning is in progress to relocate mine-clearance capabilities to areas unaffected by winter conditions.

17. Detailed plans are being developed for the establishment of a national mine-clearance training capacity and an employment mechanism to make available between 1,500 and 2,000 deminers by April 1997 in support of efforts to meet the humanitarian and reconstruction needs of the country. A national management training programme aimed at assisting the Government to take over full responsibility for the programme will be implemented simultaneously. UNMAC is continuing to take the lead role in coordinating the mine-clearance programme, facilitating the implementation of activities and encouraging the Government and donors to work together towards a unified mine-clearance programme.

Coordination of United Nations assistance activities

18. In his capacity as United Nations Coordinator in Bosnia and Herzegovina, my Special Representative has convened regular inter-agency meetings to develop common approaches to issues within the United Nations system.

Trust Fund Unit

19. As noted in paragraph 6 of my previous report, the trust fund inherited from the Office of the Special Coordinator for Sarajevo and transferred to my Special Representative has been continuing to fund various quick-impact projects

in Sarajevo. Currently, out of a total of US $18.9 million pledged since the inception of the Office in 1994, approximately $3 million remain uncommitted in the fund, with further funds to be made available by donors when disbursement of the current funds is complete.

IV. OTHER ACTIVITIES OF THE UNITED NATIONS SYSTEM

United Nations High Commissioner for Human Rights

20. The United Nations High Commissioner for Human Rights provided substantive and technical support for two missions of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and for the issuing of her subsequent reports. The Special Rapporteur has made a number of statements and recommendations, and together with the Expert on Missing Persons initiated a humanitarian project for the removal of mortal remains from the Srebrenica area. The project was only partially successful, however, owing mainly to obstacles created by the Republika Srpska authorities.

21. The High Commissioner for Human Rights works closely with the Office of the High Representative, to which he has assigned two officers. Training courses were also organized for the OSCE human rights monitors, and assistance was given to the secretariat of the Election Appeals Subcommission of the Provisional Electoral Commission.

United Nations High Commissioner for Refugees

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued its efforts to implement Annex 7 of the Dayton Agreement. Although lack of security, restricted freedom of movement and destruction continued to delay large-scale returns during the period, there was an important increase in returns. UNHCR estimated that since the beginning of 1996 220,000 to 240,000 people had returned to their homes. Of these, some 30,000 returned in movements organized by UNHCR, but the great majority did so spontaneously. Return so far has been limited almost exclusively to areas where the returnees' own ethnic group is at present a majority.

23. UNHCR's direct aid for returnees focused on the repair of some 20,000 homes (15,000 in the Federation and 5,000 in the Republika Srpska). In June, UNHCR launched its "target areas" initiative. Twenty-three priority return areas were identified, where inadequate infrastructure, rather than security and political constraints, was the major obstacle. UNHCR has been mobilizing bilateral and multilateral donors to carry out quick, key rehabilitation work relating to shelter, schools, water, demining and so on in these areas.

24. Donor response to this approach has been positive, with over $50 million committed. Laying the foundation for return to minority areas, UNHCR also chaired working groups at different levels where the parties regularly come together to discuss issues related to return. It has also continued to facilitate visits by displaced persons to their home areas and has established nine bus lines enabling displaced persons to travel across the IEBL to their original homes.

25. Whether returns to minority areas will eventually materialize will depend on the political will of the parties, who have committed themselves to the undertakings contained in Annex 7. Developments so far have been discouraging, with UNHCR facing numerous obstacles. Through their actions and statements, political leaders have continued to express their lack of readiness for the return of minority groups. Should they maintain their separatist policies, the prospects for return will become increasingly bleak.

World Bank

26. The World Bank's mission in Bosnia and Herzegovina continues to support the economic reconstruction of the country through implementation of the reconstruction programme approved by the international community at the Brussels conference in December 1995.

27. A total of $325 million in World Bank funds has been mobilized in 13 specific projects to date. In addition a fund of $120 million is being managed by the Bank for co-financing these projects. The value of the projects prepared by the World Bank, now in implementation phase, is about $1 billion. As of mid-September, contracts signed using World Bank-administered funds totalled 640, for a value of $130 million.

28. The World Bank has made a major effort to help coordinate the work of donors participating in the reconstruction programme. Particular support has been provided to UNHCR for their priority refugee return programme. The World Bank has been able to mobilize substantial resources to rebuild houses in the UNHCR target zones and to implement job-creation programmes and other schemes for infrastructure development.

Other agencies

29. The International Labour Organization (ILO) Support Unit is cooperating with the Government in promoting emergency employment programmes for war-affected groups and the unemployed.

30. The United Nations Development Programme (UNDP) has now become operational in Bosnia and Herzegovina. It is providing support to local authorities in community development projects, supporting emergency rehabilitation programmes and assisting the Government in elaborating an economic and social transition strategy.

31. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has been working on several projects involving the repair and reconstruction of cultural and educational institutions, as well as various educational activities with other donors. UNESCO has also funded independent media outlets and given financial support to cultural activities.

32. The United Nations Children's Fund (UNICEF) continued its activities in health, education and psychosocial rehabilitation as well as water and sanitation programmes, which are directed at capacity-building and the development of sectoral structures. UNICEF cooperated with other United Nations

agencies to create contingency plans for possible emergency areas throughout the country.

33. The United Nations Office for Project Services (UNOPS) is collaborating with UNDP in an integrated area development programme aimed at strengthening civil society and governmental institutions at the cantonal and municipal levels.

34. During the reporting period, the World Food Programme (WFP) has increasingly taken over responsibility from UNHCR for the programming and management of food aid donated to Bosnia and Herzegovina through WFP. To better manage this task, WFP has strengthened its presence on the ground. In the current post-war situation, it is working with its counterparts to verify beneficiary numbers and re-categorize its caseload. It has been increasingly able to transport food aid by commercial transporters, thus providing vital support for this industry as well as saving transport costs. In August a further 37,000 tons of wheat grain arrived for onward processing and distribution from six mills in the country. As a result 500 jobs were created.

35. The World Health Organization (WHO) continued to provided humanitarian assistance while addressing the need to rehabilitate the health sector and ultimately to reduce the requirement for relief aid. WHO has focused on five core functions: coordination of the health sector; public health monitoring; mental health and psychosocial rehabilitation; physical rehabilitation; and health care reform and reconstruction.

V. OBSERVATIONS

36. The authorities and people of Bosnia and Herzegovina should be commended for the peaceful and orderly conditions under which the elections were held on 14 September. OSCE and IFOR are also to be commended for their important roles. I am gratified that IPTF made a major contribution to ensuring security on election day.

37. The elections mark the initiation of a new phase in the effort to restore stability and normal conditions to Bosnia and Herzegovina through the establishment of governing institutions on a democratic basis. The political leadership now has the opportunity to ensure that, in particular through the functioning of common institutions at the national level, all three communities can work towards the consolidation of a sovereign and united Bosnia and Herzegovina based on the rule of law, respect for the human rights of all peoples and the development of a representative democracy.

38. The post-electoral period will be the most crucial phase of implementation of the Dayton Agreement. I am concerned by some recent developments. The outcome of the elections must not be allowed to strengthen separatist tendencies, reinforce the results of 'ethnic cleansing' or confirm the division of Bosnia and Herzegovina along the Inter-Entity Boundary Line. The efforts of the international community must be directed towards encouraging the parties to build common political institutions that will work for the benefit of all.

39. The initial phase of the implementation of the Peace Agreement in Bosnia and Herzegovina was envisaged as lasting one year. As we approach the end of that period, there is a growing consensus on the need for a continued international presence to consolidate the gains achieved so far. It will be imperative to institutionalize coordination among the various organizations charged with implementing essential functions. In this regard consideration should be given to strengthening certain aspects of the civilian mandate. I should also like to reiterate my firm conviction that the continued presence of United Nations civilian police monitors is contingent upon the existence of a secure environment maintained by a credible international military force (see S/1995/1031, para. 29).

40. In the coming period the international community must rise to the challenge of working to reconstruct Bosnia and Herzegovina in a manner that promotes healing and mutual cooperation as well as rebuilding. One of the major tasks that in my view will need to be addressed by a continuing international presence is the protection of human rights and the promotion of international human rights standards among the various authorities in Bosnia and Herzegovina. A principal objective would be the establishment of strong national institutions to protect human rights, especially those of minority populations. This task should be assigned to one lead organization and be supported by others within their spheres of responsibility. If the Security Council decides in due course to extend the mandate of IPTF, consideration should be given as to how it might contribute to this function in cooperation with the High Commissioner for Human Rights.

41. Another important task will be to continue to ensure that those who wish to return to their former homes may do so under secure and dignified conditions. To date, almost none of the 1.5 million displaced persons and refugees whose homes are now under the control of the authorities of a different group have returned to them. Increasingly, contrary to the letter and spirit of the Dayton Agreement, the IEBL has acquired the status of a de facto border for people and goods.

42. The goal of the Peace Agreement has been commonly understood by the international community as being to restore peace and stability to Bosnia and Herzegovina as a sovereign, unified country composed of two entities with unprecedented autonomy, united through common governing institutions resulting from free and fair elections. It is my hope that with the creation of common institutions, elected authorities at the national and entity levels will devote themselves to countering the negative developments of recent years by focusing on healing the divisions that led to untold suffering. It is clear that the international community can succeed in its efforts to attain that goal only to the extent that leaders at all levels are themselves committed to achieving it. As part of a larger international effort the United Nations stands ready to do whatever it can, within the mandate it is given and the resources made available to it, to help restore peace, harmony and prosperity in Bosnia and Herzegovina.